A

Second Treatiſe

ON

GOVERNMENT;

Shewing, That the

RIGHT

TO THE

CROWN of SCOTLAND

WAS NOT

HEREDITARY,

In the SENSE of *JACOBITES*;

AGAINST

The Earl of *Cromarty*, Sir *George Mackenzie* the King's Advocate, Mr. *John Sage* ſtiled *The Cyprianick Doctor*, and the Learned Antiquarian, Mr. *Thomas Ruddiman*.

By Mr. *GEORGE LOGAN*,
One of the Miniſters of *Edinburgh*.

EDINBURGH
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M.DCC.XLVII.

BRITISH MUSEUM

TO

THE RIGHT HONOURABLE

Andrew Fletcher of *Milton*,

Eſq; Lord Juſtice Clerk, Principal Keeper of His Majeſty's Signet in *North Britain*, and one of the Senators of the College of Juſtice.

MY LORD,

THE Right Honourable the Lords of Seſſion, in the Return they made lately to the Demand of the Lords Spiritual and Temporal in Parliament aſſembled, touching the State of our publick Regiſters in *Scotland*, from the Reign of King *Robert* the I. to that of King *James* the I. of *Scotland*, ſay, That it does not appear, nor can it, that the Series of the Rolls and Books is complete, becauſe the Entries of Charters are not made regularly in order of Time, ſo that there may have been ſeveral intermediate Books between theſe that now appear, for any thing that can be certainly known---That ſome of the Books of Records of Charters are ſo damnified with Sea Water, and ſo defaced and obliterated in ſeveral

ral Places, as not to be legible, ſome of them having had Leaves, by Accident or Deſign, torn out of them, here and there, and others of them having Leaves of blank Paper unfilled up ſtill appearing in them, that it is impoſſible to rely on them, for a Diſcovery of what Charters may have been granted.

In the Series of this Treatiſe, I have diſcovered ſuch Defects and Nullities in ſeveral Charters, tranſcribed into the *Codex Davidis* and the Rolls of *Robert* the II. as that they ſhould not have had a Place in any publick Regiſter. And your Lordſhip being one of the Lords of Council and Seſſion, is one Reaſon of my inſcribing this Treatiſe to you. Several of theſe Charters have no manner of Date, as to Place where, or Time when they were granted, which is neceſſary for the Manifeſtation of the Authenticity of ſuch Inſtruments and Evidents. Even in Matters of the greateſt Moment, they are thus defective: Particularly as to the Charter of Privileges granted to the Clergy: And becauſe it wants a Date, Mr. *Ruddiman* forſooth would by 40 Arguments prove, that it is very probable, that the ſaid Charter was the laſt Act of King *David*'s Reign. The Dates of ſome Charters in the Regiſters are different from theſe in the Autographs. The Lands granted by Charters have not the ſame Names in the Regiſter, that they have in the original Charters. There

is a Charter granted to one *John*, the Son of one *William*; neither Son nor Father has a Sirname or Deſignation: it is a Charter to an *individuum vagum*. Charters in the Regiſters leave out Words, nay long Sentences, which are in the Originals. Some Charters in the Regiſters change the Names of Witneſſes, as they are tranſcribed. Theſe, and ſuch like Defects, are to be found in theſe Regiſters.

In this Treatiſe I undertake to prove, againſt the Earl of *Cromarty*, Sir *George Mackenzie*, Meſſrs. *Sage* and *Ruddiman*, that the Right to the Crown of *Scotland* was not an hereditary and indefeaſible Right, deſcending to the next of Kin by Proximity of Blood. The Parliament 1681. which is commonly called the Duke of *York*'s Parliament, I own, declared it to be High Treaſon to affirm, that the Succeſſion of the Crown of *Scotland* can be altered, from the next of Proximity of Blood: But this Law is very equivocal; for there is a great Difference betwixt the next Heir, and the next in Proximity of Blood: For ſuppoſe a Man has ſeveral Sons, and that the Eldeſt has a Son, and that the Father dies; this Son is the Heir; but the Uncles, or the other Sons of the Grandfather, are next of Kin to him by Proximity of Blood: The Heir is a Degree farther removed from the Grandfather, than the Uncles. This hereditary Right to the Crown was ſtrongly aſſerted

in the Reigns of King *James* the VI. his Son, and two Grandſons, to ſupport their Pretenſions to abſolute and uncontroulable Power: Then the *jus divinum* of Kings, and the ſlaviſh Doctrines of Non-reſiſtance and Paſſive Obedience were given out to be Law by Courtiers, and to be Goſpel by Biſhops and their Adherents: Then, by Ways and Means, they got Parliaments by many Acts to mancipate the Liberties and Perſons of the Subjects to their Devotion and Service. But they did not reſt in theſe Doctrines, but promiſed King *James* the VII. active Obedience without Reſerve, Act 2d. Parliam. 1685. their Words are; "We firmly reſolve to give entire Obedience "to his Majeſty without Reſerve." This was to make us more abſolute Slaves, than any in *Turkey*.

My Lord, Your Uncle, the Hon. *Andrew Fletcher* of *Salton*, diſtinguiſhed himſelf, as a true Patriot, for the Liberties of his Country, as may be ſeen at large in his Political Works; but particularly when, in the Year 1703, he brought in a Draught of an Act for the Security of the Kingdom, and afterward a Draught of another Act for the Limitation of the Crown. In an excellent Speech, he ſaid, "That "he muſt take Leave to put the Repreſenta-"tives of the Nation in Mind, that no ſuch "Principles were in this Kingdom before the "Union of the Crowns; and that no Monar-

"chy

" chy in *Europe* was more limited, nor any " People more jealous of Liberty than they." His darling Principles were, a limited Monarchy, and the Liberties of the People.

In the Year 1715. there was publiſhed a new and correct Edition of the Works of the famous *George Buchanan*, with a Preface to them, Notes on his Life, and Annotations on his Hiſtory, in all which an uncommon Zeal is ſhewn for the hereditary indefeaſible Right to the Crown, and the arbitrary Power of our Kings. It ſurpriſed me not a little, when I found the Publiſhers doing all that was in their Power, to defame the Author, and to diſcredit his celebrated Hiſtory, and his unanſwerable Book *De jure regni apud Scotos.* I inſtantly obſerved, that their Intention, by blackening the Reputation of *Buchanan*, and the Credit of his Works, which had been for a long time in vaſt Eſteem in the Learned World, was, that through him they might thruſt at the happy Revolution Eſtabliſhment, the Limited Power of the Prince, and the Liberties of the People. I was likeways greatly ſurpriſed, that the Publiſhers, Men of ſuch Principles, ſhould in the Preface *(a)* mention your Uncle, with Sir *David Dalrymple* Advocate to Queen *Anne*, as giving them Countenance and Encouragement, who were as much oppoſite to their Principles, as they were to *Buchanan*'s. But

(a) Pref. p. 21. col. 2.

But that I may open up the black and dark Deſign, I muſt go back to the Year 1711, when a great Change happened in the Adminiſtration of the Affairs of *Great Britain*, by breaking the Grand Alliance againſt *France*, the great Bulwark of the Liberties of *Europe*; this put the Proteſtant Succeſſion to the Crown, in the moſt Serene Houſe of *Hanover*, in the utmoſt Danger; and, in place of it, the advancing a Popiſh Bigot to the Throne was intended: However this miſcarried by the Death of Queen *Anne*, who was thought to be friendly to the Deſign.

In the Five laſt Years of her Reign, a Number of *Jacobite* Writers, of Tory Principles, were very buſy Tools; and no Doubt had Encouragement from abroad, and Aſſurance of Protection at home, in employing their Pens for diſparaging the Principles of Liberty, and diſgracing the Power of Parliaments to limit the Succeſſion to the Crown; and, on the other hand, for aſſerting hereditary indefeaſible Right, and the unlimited uncontroulable Power of the Prince.

The firſt that appeared was *George Mackenzie* Doctor of Medicine, in the ſaid Year 1711. he then publiſhed the Second Volume of his Lives, where he maintained the foreſaid Tory Principles. In the ſame Year Mr. *Sage*, the *Cyprianick* Doctor, publiſhed his Introduction to the new Edition of the Hiſtory of

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the firſt Five *Jameſes* by *Drummond* of *Hawthornden*, who writes with a mighty Ardour in this Cauſe. After them the Earl of *Cromarty*, *anno* 1713, with the ſame View, ordered a ſecond Edition of his Vindication of *Robert* the III. from the Stain of Baſtardy, that he might ſupport the Doctrine of Hereditary Right. To him ſucceeded *Patrick Abercromby*, another Doctor of Medicine, who publiſhed the Second Volume of his *Martial Atchievements*, *an.* 1715, who at great Length inſiſts upon this Subject. And in the ſame Year came out the Preface to *Buchanan*'s Works, and the Annotations on his Life and Hiſtory. All theſe agree in the main for ſupporting Hereditary Right, and the Legitimacy of *Robert* the III. borrowing one from another Authorities to make out their Sentiments; it ſeems that with them, *decies repetita placebit*: But then there is ſcarce one Particular advanced, as an Adminicle for their Cauſe, but they combat each other. After all theſe Mr. *John Hay* of *Drumboote* publiſhed his Vindication, *anno* 1723, and favours us with forty Charters and more, in their full Length, for eſtabliſhing the Legitimacy of *Robert* the III. and maintains, againſt all the Advocates that wrote before him, that, unleſs they ſhall be of his Opinion, that *Robert* the Father, and *Elizabeth Muir* the Mother, of *Robert* the III. were married *an.* 1334, which

none of them do, they throw as vile Aſperſions on *Robert* the II. *Elizabeth Muir*, and their Children, and the Royal Families deſcended from them, as *Buchanan* and our other Hiſtorians are charged with.

My Lord, Mr. *Robert Freebairn*, by putting his Name to the Preface, owns that he is the Prefacer, and ſtiles himſelf *Typographus Regius*, that is, King *George*'s Printer, as I underſtand him, for ſo he then was; and yet this Gentleman joined the Army of the Pretender to the Crown at *Perth*, *anno* 1715, and became his Printer, and publiſhed the Prints of the Rebels at that Time. But ſo good and merciful is the Government, that he ſtill enjoys that Poſt; and ſo friendly am I to him, that he has my Wiſhes, that he may enjoy it all the Days of his Life. Since this Preface was publiſhed, it is well known, that a more able Hand was the Author of it, and of the Annotations, though in great Caution he did not ſubſcribe the Preface; (there are ſeveral Documents I can give of this;) which by-the-bye caſts no ſmall Reflection on Mr. *Freebairn*, for ſetting his Name to a Performance which was not his own.

Theſe Gentlemen, my Lord, give your Lordſhip's Uncle a very high Encomium, they call him the *Cato* of our Age (*Cato noſtri ſeculi*); but ſurely neither the *Roman*, nor *Scottiſh Cato*, did eſpouſe their political Principles

ciples about Monarchy: And they quote a Verſe out of *Horace*'s firſt Epiſtle, wherein he ſays of himſelf, to *Mæcenas* his great Patron,

Virtutis veræ cuſtos, rigiduſque ſatelles;

which indeed is juſtly applied to your Uncle: But ſome preceeding Lines, I judge, might have been ſet down, as a Part of the true Character of your great Friend:

Nullius addictus jurare in verba magiſtri,
Quo me cunque rapit tempeſtas deferor hoſpes:
Nunc agilis fio, et merſor civilibus undis.

The laſt of theſe three Lines is explained by the *Latin* Interpreter after this Manner; *Modo ſum actuoſus, et reipublicæ negotiis occupor.* Theſe Lines paint out your Friend.

Theſe Gentlemen make their grateful Acknowledgments, for the Aſſiſtance he gave them, by allowing them the Uſe of ſome curious and ſcarce Books, out of the fine Collection in his large Library; and *p.* 10. Foot Margin, ſay, that as to *Buchanan*'s Stile of *Latin*, he was of *Rapin*'s Opinion, that *Buchanan* imitated *Cæſar* rather than *Livy*.

When your Lordſhip's Uncle and Sir *David Dalrymple* contributed their Aſſiſtance to this new Edition of *Buchanan*'s Hiſtory, their chief Concern was to have ſuch Notes made upon it, as ſerved to clear the true Reading of the Text, which was much involved in

ſeveral

ſeveral Editions, and to correct the Errors in Chronology, into which the Hiſtorian, or rather his Amanuenſis and Publiſhers, through Inadvertency had fallen: But had your Uncle known, that they were to abuſe *Buchanan* in the ſcurrilous Way they have done, becauſe of his political Principles of Civil Government, for which Principles he was juſtly admired by him, he would never have given them the leaſt Encouragement. But the ſatirical Preface, and the political Annotations upon the Hiſtory, were concealed and kept ſecret, till the Hiſtory was printed. In this View, they did not print the Notes along with the Text, which was the moſt natural Method, and which the celebrated *Burman* has followed in his Edition, but have caſt them all together, at the End of the Work, that ſo they might not be known to any, but ſuch as were upon the Secret.

What would *Burmannus*, *Vitriarius*, and others of the Learned World abroad, nay my own Uncle Mr. *Alexander Cunningham* of *Bloak*, the moſt learned Civilian in the Age, conclude from the reading of the Preface to *Buchanan*'s Works, but that the renowned Mr. *Fletcher*, whom they juſtly eſteemed and admired, had deſerted his moderate Principles of Civil Government! When I inſcribe this Treatiſe to your Lordſhip, I could not but vindicate the Character of your Friend, whoſe

Principles

Principles as to our Civil Conſtitution you inherit, with his opulent Eſtate. This was ſo well known to his Majeſty King *George*, that during the late unnatural and monſtrous Rebellion he repoſed in you the higheſt Truſt, which you have executed with ſuch prudent Conduct and vigilant Care, that he has been graciouſly pleaſed to reward your good Service, by conferring upon your Lordſhip the honourable Poſt of the Principal Keeper of his Majeſty's Signet.

In this Treatiſe, my Lord, I am ſo vain as to think I have demonſtrated, from the Succeſſion of *Robert* the III. to his Father *Robert* the II. upon the Footing of a Parliamentary Act of Legitimation, *anno* 1371, that it was in the Power of the Parliament, at the Revolution, to ſettle the Crown on the Prince and Princeſs of *Orange*, and failing them and their Heirs on Q. *Anne*, and afterwards to entail it to Princeſs *Sophia*, the Grand-child of K. *James* the VI. and the moſt Serene Houſe of *Hanover*. I have likeways, in this Treatiſe, vindicated *Robert* the II. *Elizabeth Muir*, and their Children, from a worſe Aſperſion, than that which is pretended to be caſt upon them by Mr. *Buchanan*, againſt whom my Antagoniſts write with the utmoſt Spite and Malice, though he has ſaid nothing but what all our Hiſtorians, near to a Dozen before him and about his Time, had with great Unanimity

aſſerted,

aſſerted, and which was believed in all our Monaſteries without the leaſt Contradiction; which was alſo believed by two Lord Regiſters, Sir *John Skeen* and Sir *Thomas Murray*, two Lord Lyons Kings of Arms, Sir *David Lindeſay* of the *Mount* and Sir *James Balfour*, and the Lords of the Privy Council of *Scotland*, as appears by their Atteſtation, *an.* 1630, to Sir *David*'s Book of Herauldry, and the Royal Privilege of King *Charles* the II. for printing the Laws and Acts of Parliament, with the Chronological Table of the Kings of *Scotland* which I have placed in the Appendix; ſo that it is authoriſed to be made as publick as our Laws. All the Advocates for the Legitimacy of *Robert* the III. Mr. *Hay* of *Drumboote* only excepted, own, that the Children of *Robert* the II. and *Elizabeth Muir*, (as much as I have maintained,) were begotten *extra matrimonium*, *i. e.* begotten in Fornication. But our Antagoniſts caſt a fouler Stain and Taſhe upon them, as they by aſſerting that there was a prohibited Degree of Conſanguinity, the Children muſt have been inceſtuous, and the Parents muſt have lived in Inceſt after the Marriage, with which no Papal Power at *Avignon* in *France*, nor Epiſcopal Power at *Glaſgow*, could diſpenſe. But after all the Endeavours of our Antagoniſts, they have not been able, from the Charter-cheſt, the Tree of *Rowallan*, or

any

any other plauſible Mean of Probation, to document the pretended Blood-relation between *Robert* and *Elizabeth*

I underſtand that *John Corſe*, lately Keeper of the Publick Regiſters in the Laigh Parliament-houſe, had drawn up an Abſtract of all the Charters, extant on Record, that relate to the ancient Family of *Rowallan*, which he dedicated to our valiant Hero and General Sir *James Campbell* of *Lawers*; and that it begins with a Charter of *Robert* the III. to *Andrew Muir*, *cariſſimo avunculo noſtro*, (as he ſtiles him) ſo that this Gentleman was *Elizabeth Muir*'s Brother: But Mr. *Corſe* gives not the leaſt Hint of any previous Conſanguinity between the Royal Family and that of *Rowallan*; but only, in his Dedication, barely aſſerts, without any Document, that *Elizabeth Muir* was *Robert*'s 1ſt Wife, and refers to Sir *Lewis Stewart*'s *Latin* Scrape, the Earl of *Cromarty*'s Vindication, *George Crawford*'s Hiſtory of the Royal Family of *Stewarts*, and to Mr. *Hay* of *Drumboote*: But I could have referred him to many others, ſuch as Meſſrs. *Sage* and *Ruddiman*, Doctors *Mackenzie* and *Abercromby*, Sir *George Mackenzie*, and Mr. *Rymer*; all of them poſterior to the Year 1681, and the Attempts made to exclude the Duke of *York*, when there was a powerful Faction in *England* for the Duke of *Monmouth*, who thought that he might be admitted to the

Succeſſion,

Succeſſion, upon the Death of King *Charles* the II. as well as *Robert* the III. was admitted to ſucceed *Robert* the II. But the Arguments of all theſe Advocates I have fully anſwered in this and my firſt Treatiſe, which I ſubmit to the Judgment of the candid Readers, nay to the critical Examination of my Antagoniſts: And am, with great Reſpect,

My Lord,

Your Lordſhip's moſt obedient,

and devoted humble Servant,

Edinburgh, April
22d 1747.

GEORGE LOGAN.

ERRATA.

P. 4. l. 10. read *calumniare.* P. 25. l. 27. r. *parentela,* P. 57. l. 27. r. *naſcetur.* P. 84. l. 12. r. *Europe.* P. 96. l. 9. r. *decretorum.* P. 111. l. 23. r. *tonant*; l. 24. r. *ſatam.* P. 113. l. 28. after the Word *Charter*, add *John*,

A

Second Treatiſe

ON

GOVERNMENT, &c.

INTRODUCTION.

I Underſtand, that ſome *Jacobites* have taken great Offence at me, becauſe of my former *Treatiſe on Government*, tho' my honeſt Intention in it, was to ſet them right, as to their Political Principles concerning Civil Government: Some of them reſent it ſo highly, that they threaten to make Attempts upon my Life, and on my Character, which is dearer to me than Life itſelf. If what I have writ is falſe, and Falſhood of my Invention and Contrivance, they have all Advantages to expoſe me as a Forger; but till this is done, what I have advanced muſt be admitted as Truth, and their Menaces will never be able to convince the World nor confute me, tho' theſe, and the Execution of them, are the Methods taken by the Church of *Rome*, of which the Chevaliers, elder and younger, are the bigotted Sons.

But I ſuſpect, that their angry Paſſions are in a violent Fermentation at me for publiſhing the Truth, which I have the Audacity to affirm, that it is not in the Power of my Oppoſers to redargue, as to the Eſſentials of the Controverſy.

It is the hard Fate of the Miniſters of the Goſpel, to fall under the Diſpleaſure of ſome People for declaring the Truth, *veritas odium parit*, I having publiſhed nothing upon this preſent Debate, but what Perſons of the greateſt Character, both in Church and State, had done long before me. But I do not think, that any Thing ſtrange has befallen me: For St. *Paul*, the great Apoſtle of the *Gentiles*, in his Epiſtle to the *Galatians* ſignifies, that they treated him as their Enemy for the Freedom he uſed, in declaring his Mind to them (*a*), *Am I therefore your Enemy, becauſe I tell you the Truth?*

An anonymous *Jacobite* has been pleaſed to print a Letter with this Direction, *To the Reverend Mr.* G. Logan, *A. M. one of the Miniſters of* Edinburgh. He had not the Civility to ſend it me, till eight Days after he had communicated it to his Friends, or thoſe of his own Kidney. The Printer thought fit, as I am informed, to diſown the printing of it. It was not given to the Bookſellers to be ſold in the Shops, nor the Hawkers to be ſold in the Streets, ſo that, for the Time foreſaid, I could not procure a Copy; at laſt a Friend bought me one. The Author perceiving his Uncivility, in not ſending me a Copy, thought fit, or one for him, on *Candlemas* Day, to call at my Houſe, betwixt the Hours of Four and Five in the Afternoon, and deliver into the Hands of one of my Ser-

(*a*) *Gal.* iv. 16.

Servants a Letter, with the printed Letter incloſed: But the Entry being dark, and ſhe having no Suſpicion, did not know him, and did not uſe any Care to obſerve his Dreſs and Habit. The Cover is directed to the Reverend Mr. *George Logan*, one of the Miniſters of *Edinburgh*, forgetting one of my Titles, A. M.

I expected that the Writer was another Perſon than the Author of the printed Letter, becauſe the Author of the printed Letter, *p.* 14. ſays, *A few Words more, and I have done with you for ever.* But upon reading the written Letter, which is likeways unſubſcribed, I found that one and the ſame Perſon is the Author of both. He is an *Aberdeen*'s Man, and thinks fit to take his Word back again; for he ſays concerning the printed Letter, *I have ſent you the incloſed Remarks on your Performance, which I have fairly ſubmitted to the Publick.* I own the Receipt, and offer him my grateful Acknowledgment for both: He ſays, *Which he has fairly ſubmitted to the Publick*; Fairly indeed, when the Publick enquire for it at the Bookſellers Shops, they cannot have it, without making Intereſt with ſome Friend or another of the *Jacobites*.

This Gentleman ſeems reſolved to be at me again, and to take back his Word *pro ſecundo:* For he ſays, *If I ſee no Sign of your Repentance in your after Performances, depend upon it, you ſhall be anſwered in a ſuitable Way.* So that I have his Promiſe for a third Letter, and I beg that he will keep his Promiſe better than that in his printed Letter. He adds, *That there is a little of my Family Hiſtory hinted at in* p. 10, *which is yet a Secret to the World.* It is a Suppoſition, without the leaſt Foundation for it, to give it no worſe Term,

for

for he ſhall not be able to provoke me to any Indecency of Expreſſion; it is all over *Apocrypha*. However he is ſo kind, as to keep it a *Secret* for ſome Time; and I need not be in any Pain about it, ſince he is ſo daring as to ſpeak Treaſon, by another Suppoſition, *p.* 8. Is this to ſubmit Things fairly to the World to make Suppoſitions, the one a Calumny, and the other Treaſon, none of which he avows? I aſſure him the Maxim he depends upon, *Calumniari audaciter et aliquid adhærebit*, will fail him, *nihil adhærebit*: Now it appears why he is nameleſs, and why his Letter is not ſold publickly.

I have been at no Pains to enquire who the Author is, being apprehenſive, that if he ſhould get Notice of it, he would abſcond or leave the Place, and ſo his Friends in their Clubs ſhould want that Entertainment, that is agreeable to their Humour and Taſte.

I am not to make a Reply to the Letters of one that keeps himſelf behind the Curtain, having done him the Honour, as fairly to make my Compliments to him for his Letters: But I ſhall ſatisfy myſelf, by giving an Account of his Dexterity in making his Attacks upon me, and ſhifting the Evidence I had advanced for my Aſſertions.

The Flowers with which he adorns and enlivens his Productions, when he is in a Fury and Rage, are gathered from *Billingsgate*; ſuch as that, *p.* 6. *If you do not believe this to be true, G--d damn you eternally*, and that, *p.* 7. *The Devil's in't, if all theſe Propoſitions, plainly proven, as above, be not convincing*; Can this Language be the *Shibboleth* of the Party? He ſays, *p.* 4. *That it muſt be ridiculous in any body to attempt to anſwer me*; and yet

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he will make himſelf ridiculous, by attempting to offer a few Remarks; in which, I am ſorry for it, he ſhould expoſe himſelf to the Ridicule of impartial Judges.

I had ſaid (*a*), That when hereditary Right to the Crown, in the ſtrict Senſe, is contended for, with ſo much Warmth and Zeal to ſerve a Popiſh *Pretender*, the Sticklers for it ſhould be ſure, that he is the undoubted Heir; and ſhewed, that after the ſham Proof brought, the beſt Judges made a Doubt of it, ſuch as the Archbiſhop of *York*, the Archbiſhop of *Dublin*, the Biſhop of *St. Aſaph*, the Biſhop of *Sarum*, the Biſhop of *Oxford*, of whom I had ſaid that *they were Children that would not tell or make a Lie.* Three of theſe he owns did doubt; but his Anſwer is, 1*mo*, That he gives no Credit to the Teſtimony of the Reverend Tribe. 2*do*, By ſuppreſſing two of the five Biſhops. I likeways quoted the Teſtimony of his Grace the late Duke of *Argyle*, a Peer of the greateſt Honour and Truth, but he ſhuns to tell his Name; and the Teſtimony of the Houſe of Commons, at the Trial of the famous Incendiary Dr. *Henry Sacheverel*; theſe he anſwers very fairly, by putting his Thumb on them. And, *laſtly*, the Addreſs of the *Engliſh* Proteſtants to the Prince of *Orange*, printed *anno* 1689, ſhewing what Grounds they had to believe, and conclude, that the pretended Prince of *Wales* is a mere Counterfeit. Theſe Addreſſers were the famous Patriots of our Religion and Liberty, and went in with that Prince of glorious and immortal Memory, and ſupported him in bringing about the Revolution: But the Anſwer to *this Authority is the End of an old Memo-*

(*a*) Treat. *p.* 13.

Memorial, when it conſiſts of above thirty Pages, and not ſo old as a Year after his Birth; he would not mention theſe in his Letter, leſt the *Jacobites* ſhould know this, who will read his Letter, but not my Treatiſe; nay, I am aſſured that great Pains are uſed with them not to read it.

The next Thing the Letter-writer quarrels me for, is in *p.* 9. and it is *for my violent Paſſion with the whole Race of our* Scots *Kings:* But this is not Fact, I am unwilling to uſe harſh Words; I obſerved in my Treatiſe, *p.* 55. that ſeverals of them were raiſed to the Throne for their rare Virtues and excellent Qualifications for Government, and there are not a few mentioned in the Chronological Tables, prior to King *James* III. whoſe Reigns were glorious: But what are the Inſtances of Kings he brings to confute me? only that of King *James* VI. that he may ſlyly hit at the preſent Government for the Greatneſs of the Taxes, now in Compariſon of what they were then: But who are to be blamed for it but his Friends, who are unwearied in their Endeavours ever ſince the Revolution, in Favour of a *Pretender*, againſt a Government that preſerves our Religion, Laws and Liberties, againſt Popery, arbitrary Power, and Slavery? He indeed makes mention of King *Robert Bruce*, who, I own, was a brave Hero, and a glorious Deliverer of his Country; but to join King *Ja.* VI. with him, the moſt cowardly Prince that ever ſat on a Throne, except the *Pretender* and his Son, is very ſtrange, who claim Right to the Throne; and becauſe he is difficulted in mentioning our good Kings, he goes the Length of *Poland* for one, King *Sobieski*.

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The Letter-writer adds, *Pray, Sir, what could prompt you to diſturb the Aſhes of buried Majeſty? Thus, like a ravening Wolf, to tear up from the Grave their venerable Bones, thus to inſult the Manes of theſe ancient Heroes?* But he is not aware on whom this Rant does return. I ſaid nothing of our bad Kings, but what Lord Regiſter *Skeen*, and Lord Regiſter *Murray* had ſaid before me, and which King *Charles* II. licenſed, and allowed to be printed with Regiſter *Murray*'s Edition of the Acts of Parliament in Folio, *anno* 1682, and ſo to be made as publick as the Laws of the Kingdom: But becauſe *Murray*'s Folio Edition is a ſcarce Book, I ſhall take Care to print the Chronological Table and the King's Licence, in the Appendix. Does not the Complaint return on King *Charles* II? *Pray, great Sir,* and on theſe Miniſters of State, *pray, my Lords, what could prompt you to diſturb the Aſhes of buried Majeſty, thus, like ravenous Wolves, to tear up from the Grave their venerable Bones, thus to inſult the Manes of theſe ancient Heroes?*

Beſides the intirely groundleſs Suppoſition he made, *p.* 10. he, in his written Letter threatens, *That the World ſhall be entertained with ſome Pieces of my Hiſtory, little to my Credit.* Thus it appears that he is not to conſider what is advanced in the Cauſe, but who ſays it, which is to decline the Argument and Diſpute; and truly he has good Reaſon to do it, for I ſtill affirm, and I hope fully to ſhew it, that he and all his Adherents are not able to maintain it. This Method of treating me, and their friendly Intentions towards me, ſhew that I have ſo nettled them, and touched them in the Quick with my Productions, that it

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ſurpaſſeth their Power to redargue theſe Things I have brought to Light.

Theſe Letters ſhall not put me in a Paſſion to anſwer them, as they deſerve; but I give him to know, that I deſpiſe all his impotent Menaces; and, I aſſure him, that neither he nor any other Perſon ſhall, by bullying me, ſtop me from going on with my Performances.

Who this Epiſtolator is, whether he is a petty Fogger about the Parliament-houſe, as ſome give out, or a certain Perſon verſant in our Antiquities, (Mr. *Ruddiman* is not in my Eye) I am not anxious to know; tho' I am informed, that the printed Letter, which contains Treaſon, was admired, and well entertained by a certain Club, in a certain Place, where ſome of them who have taken the Oaths to the Government (whoſe Names I know very well) did approve the Performance.

Another annonymous Letter-writer ſent me a Letter from *Glaſgow*, with this Direction, To Mr. *Goarge* (diſfiguring my Name) *Logan* Miniſter in *Edinburgh*, I ſay from *Glaſgow*, (where I did not dream that there was ſuch a *Jacobite*) for the Stamp of the *Glaſgow* Poſt-office is upon it. The former Letters had menaced me with a Reſolution of attacking my Reputation, but this with an Attack upon my Life. The Words of the Letter are theſe following, and not one Word more: *If you, according to your Promiſe, publiſh a Book againſt* de jure divino, *beware of your Life.* It is uſually ſaid, That one warned, is half-armed. I ſhall take this Threatning as an Advice and Caution, and I thank him for it, and ſhall take Care of my Life, always *committing the Keeping of my Soul and Body to a faithful Creator in well-doing.*

And

And I hope my promiſed Treatiſe againſt the *jure Divinoſhip* of Monarchy, and eſpecially of hereditary Monarchy, to the Excluſion of Ariſtocracy, from having any Claim to a Divine Right, ſhall be found to be *doing well*.

Some will perſuade me, that a certain venal and mercenary Writer is the Author of this Letter, of whom I had ſpoken with a little Freedom in my Treatiſe: But ſince theſe Letter-writers love to be *incog.* I am ſatisfied that they remain ſo; for they are more afraid of me, than I am of them.

Thus I have fairly publiſhed to the World, what they, in a cowardly and daſtardly Manner, wrote to one they call one of the Miniſters of *Edinburgh*, for which, I am ſure, I merit their Thanks; and, for their Encouragement, ſhall not grudge the Poſtage of their Letters, if they are to ſend me more, but ſhall let the Publick know their Civilities to me, by being at the Charges of giving them a Place in our Magazines or News-papers.

I am appriſed that I am to have a Reply by one I highly eſteem, who, of all *Scotſmen*, by his great Knowledge of our Antiquities, Hiſtory and Charters, and likeways by the many Advantages he has above any, is able to ſet me right wherein I have ignorantly blundered, and unwillingly fallen into Miſtakes and Errors. This the Writer of the printed Letter calls *a deſcending too low to do me the Honour of giving me a Reply*; but I am credibly informed, that he has deſcended ſo low, as to undertake the Task ſometime ago, and that he has made good Progreſs in the Work. I am ſo vain as to think, that Mr. *Ruddiman* does not

think I am ſo contemptible a Writer as the Letter-writer repreſents me to be; nay I have the Vanity to ſay, That I am able to convince Mr. *Ruddiman*, that he has, thro' Inattention, blunder'd, and fallen into Miſtakes and Errors, by relying too much upon a Chain of highflying Writers, whom he frequently refers to, in a Run, in his Annotations; *humanum eſt errare*.

And now that he may have a full View of what I have to ſay againſt the hereditary Right to the Crown of *Scotland*, in a ſtrict Senſe; I will run the Riſque of all the Menaces of incendiary and ſanguinary Letters, and not intimidated by the ſuperior Abilities of our learned Antiquarian, ſhall endeavour to ſhew further the Abſurdity of his Scheme.

I am told by the Letter-writer, *That I have nicked the Time when no body dares oppoſe me*, (yet he has not been dared, he is ſurely ſome body) *the great Men whom I attack are moſtly in their Graves*; but ſurely their Writings are ſtill extant, and I am confident they have brought forth already all that can ſerve their Purpoſe; for after Sir *George Mackenzie* and the Earl of *Cromarty* had done their Parts, (the *Pariſian* Antiquaries, or Mr. *Innes* greatly rely upon them) Mr. *Rymer* gives us the *Engliſh* Evidences; Mr. *Sage* gathers together all the *Scots*, *Engliſh* and *French* Evidences; Dr. *Mackenzie* and Dr. *Abercrombie* borrow from them, and ſo did *George Crawford*; Mr. *Ruddiman*, in ſeveral Performances, repeats the ſame Thing over and over again; and Mr. *Hay* of *Drumboote* gives us the Charters at full Length, that others had referred to: All theſe Performances

mances are ſtill extant, and I queſtion if any new Light can be added to them.

The Letter-writer goes on, *The only ſurviving great one (an Honour to his Country) is ſomewhat at a Diſadvantage* at preſent: But is not *George Crawford* alive, who, in all his Writings, has wrote with a Biaſs to the Cauſe; it ſeems he is not one of his great Men. I own that the Perſon he has a View to, is an Honour to his Country, and that I have learned many uſeful Things from his Writings: I am perſuaded, that if he ſhall deſcend to honour me with a Reply, I ſhall receive further Inſtructions from him. He is under the mildeſt Civil Government upon Earth, and the Subject I wrote upon is a Matter of Fact, *viz.* if it is Fact, that the Right to the Crown of *Scotland* was hereditary, in a ſtrict Senſe, from our firſt Conſtitution down to the happy Revolution, and went always by Proximity of Blood. Now this is what Mr. *Ruddiman* laid down as certain Fact, and what I denied; this Subject can be treated and handled, without reflecting upon the Revolution Settlement of the Crown, or encroaching upon Treaſon; ſo that our Antiquarian is in perfect Safety.

I want to know what Diſadvantage our Antiquarian is under at preſent, that he was not under, when he wrote his Preface to the excellent Edition of *Buchanan*'s Works, and his learned Annotations on *Buchanan*'s Hiſtory, *anno* 1715, when a Rebellion was carried on by the Earl of *Mar*, as it was lately 1745, and 1746, when carried on by the young Chevalier, and our deluded Countrymen, with the pitiful Aſſiſtance they got from the powerful *French* Monarch, who made them over confident by big Promiſes, and failed them

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in the Performance. It may be ſaid that his Preface and Annotations, tho' printed in the Year 1715, yet he had prepared them in ſome Years preceeding: But was not this nicking the Time, the laſt Years of Queen *Anne*'s Reign, when it is thought that they had got the Queen formed to their Mind, and many of the Parliament in a Plot for bringing over the *Pretender*? Was this to nick the Time, or an Advantage to our Antiquarian? And did not Drs. *Mackenzie* and *Abercrombie* nick the Time, when they wrote in Favours of *Jacobitiſm*? Nay, did not our Antiquarian nick the Time, *anno* 1715, when the preſent reigning Family were not well ſettled upon the Throne? Did not Sir *George Mackenzie* and the Earl of *Cromarty* nick the Time, when theſe who wrote for a limited Monarchy were perſecuted to the Death, and their Books burnt by the Hand of the common Hangman? Did not Mr. *Innes* and the *Pariſian* Antiquary nick the Time, when the *Pretender*'s ſuppoſed Father, with his Popiſh Court, were at *St. Germains*, to atteſt a Charter to be genuine, which has all the Marks of a Forgery?

The Author of the printed Letter, *p.* 16, complains, *That I have given partial Citations of my Authorities, as beſt ſuited my Purpoſe.* It is good that he owns, that I have cited Authorities which ſuited my Purpoſe; but it was his Buſineſs to have ſhewn the Partiality, by bringing forth Citations from my Authorities, that either contradict or overthrow the Purpoſe for which I brought my Citations; till this is done, my Citations muſt bear Faith. He proceeds, *You have apparently wreſted the plain Senſe and Meaning of Paſſages, into a Meaning contrary (I will venture to ſay) to your own pri-*

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vate Judgment, as well as common Senſe: To give one Inſtance of many, the partial Scrapes you give us, p. 120. 121. *of the famous Inſtrument at the Coronation of* Robert II. *which if you had given us the whole, would have clearly confuted any thing you have ſaid on that Head.* But I ſuſpect, that the true Ground of quarrel, is that I have given too many Scrapes of that famous Inſtrument; and to ſhew that there is nothing in it that confutes me, I ſhall take Care to give the whole Inſtrument, both in *Latin* and *Engliſh*, the *Engliſh* in the Body of this Treatiſe, and the *Latin* one in the Appendix. It ſeems this Gentleman was afraid to point out ſo much as one Sentence of it that would confute me; but I ſhall ſhew, that his learned Advocates in this Cauſe wreſt Paſſages in this Inſtrument, and the *Pariſian* Charter, to ſerve their Purpoſe. In this Inſtrument Mr. *Rymer* tranſlates *erit* (ſhall be) as if it had been *erat* (was) *verus et legitimus hæres, i. e.* true and lawful Heir. And the admired Mr. *Sage*, when he is ſpeaking of the Impediment of *Robert*'s Marriage, he found himſelf difficulted with a very little *Latin* Particle *et*, which makes both Conſanguinity and Affinity to be the Impediment; (*impedimento conſanguinitatis et affinitatis*) and therefore he tranſlates the Paſſage, as if it had been *aut* (or) in Place of *et*: Were not theſe Gentlemen good *Latin* Scholars? May I not then venture to ſay, that they tranſlated theſe Paſſages contrary to their own private Judgment, as well as common Senſe? Nay, is not this a virtual diſowning the Charter, and to patch up one as they would have it. Mr. *Ruddiman* (*a*) gives us a Scrape of an Act of Parliament, *April* 4th, *anno* 1373, the

(*a*) Annot. p. 432. Col. 1. C. L. 14.

the Subſtance of which Act, Sir *George Mackenzie* had given in the *London* Edition of his *Jus Regium*, the whole of it he promiſed to give in *Latin* at the End of the Book; but, upon ſecond Thoughts, deferred it to another Time. Mr. *Ruddiman* knew very well that *Atwood* complained of this, and yet he does not give us the Act itſelf, but a Scrape in *Latin*, which I ſuppoſe he had taken from Sir *George*'s *Engliſh* Subſtance of it, *Johannes Carrictæ, Robertus Fifæ et Taichiæ Comites, Alexander Badenachæ Regulus, prima Roberti II. uxore geniti diſertis verbis memorantur, i. e. John* Earl of *Carrick, Robert* Earl of *Fife* and *Monteith*, and *Alexander* Lord *Badenoch*, are expreſly mentioned as begotten on *Robert*'s firſt Wife, ſo that there muſt be an Act of Parliament in *Latin* calling *Eliſabeth Muir, Robert*'s firſt Wife; but he is put to it to produce this *Latin* Act. But I apprehend it will be deferred *ad Calendas Græcas, i. e.* for ever; but more of this in the following Treatiſe.

The noble, pious and learned Earl of *Nottingham*, in his moſt excellent Anſwer to Mr. *Whiſton*'s Letter to him, concerning the Eternity of the Son of God, and of the Holy Ghoſt, 8th Edition, *London, anno* 1721, ſays, He doubts not but Mr. *Whiſton*'s Zeal will prompt him to make a Reply, *p.* 2. and deſires him, *p.* 4. not to think that he is provoking him to it: But upon Suppoſition, that he is to give a Reply, propoſes a Method in four Particulars to be obſerved, as what will be moſt fair in itſelf, and moſt ſatisfactory to him and others. Now after ſo good a Precedent; for I am not provoking Mr. *Ruddiman* to make a Reply, for I am credibly informed, he has undertaken the Task, I hope Mr. *Ruddiman* will allow me to propoſe

poſe the Method of a Reply to me, which is faireſt, and will be moſt ſatisfactory, in the following Particulars. 1. That he will clear the original Conſtitution of our Government, and ſhow, that *Fergus* I. was King by Conqueſt, and not by the Suffrages of the Chiefs of the Tribes and Clans. 2. That he ſhow his immediate Succeſſors did ſucceed by Proximity of Blood. 3. That he ſhow *Buchanan* uſes the Phraſes, *Suffectus eſt*, *populi ſuffragiis creatus*, *electus eſt*, *regnare juſſit*, contrary to the Faith of all our Annals. I ſuppoſe he will find that this is a hard Task I put upon him, when I have demonſtrated, that our Annaliſts, *Fordun*, *Hector Boethius*, *John Major*, and *Leſly*, the Popiſh Biſhop of *Roſs*, uſe them. 4. That he will ſtate the Proximity of Blood, and ſhew that Females, when the Proximity of Blood was in them, did ever ſucceed to the Crown, before *Mary* Queen of *Scots*. This is I confeſs a hard Work I put him to, when it is certain there were Laws, and Entails of the Succeſſion excluding them from it. 5. That he will ſhew, that ever the eldeſt Son of any of our Kings, before *Kenneth* III. did ſucceed and reign by a Regent or Governor, till he came to the Years of Majority. 6. That he will ſhew, that after *Kenneth* got that Law abrogated, his Son that had the Right of Blood was admitted to ſucceed him. 7. That he will overthrow the Evidence I have given of the Succeſſion of Baſtards, who can have no Right of Blood. 8. That he will ſhow there was no departing from the hereditary Right or Proximity of Blood, when Perſons were raiſed to the Throne, not becauſe of Proximity of Blood, for they had it not, but becauſe of their rare Abilities for Government. 9. That he

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will take Care to ſhew, that *Bruce* had the Proximity of Blood and the hereditary Right, and not *Baliol*. 10. That *John* the Son of *Robert* II. was the Son of the firſt Marriage; and for this End he will produce the Act of Parliament in *Latin* that ſays it. 11. That he will give a Reply to the many Marks of Forgery in the *Pariſian* Charter, advanced in the former Treatiſe, and thoſe that ſhall be advanced in this. 12. That he will document a Conſanguinity within the 4th Degree, and that *Robert* was married *anno* 1349, that *Mac-Adam* was the Celebrator, or that they were married before the Year 1373. 13. That he will ſhew, that *John* was true and lawful Heir to the Crown before the Year 1371; or in any Reſpect beſides his being Heir, the Office of Steward of *Scotland*, which had been in a Family before they aſſumed that of *Stewart* to be the Name of the Family, or that ever he is called the true and lawful Heir of the Crown in any Act of Parliament, Charter, or publick Deed, before the foreſaid famous Inſtrument, *anno* 1371. And here I expect that he will give a Reply to my Remarks upon this Inſtrument, and point to me what I have concealed from the Publick, and the Streſs he lays upon it. But I fear I have put too much Work on his Hand; I wiſh heartily, he may enjoy ſo much Health, as to be able to go through the Work. There is only one Thing more I deſire of him, which is, that if he is to confute me with Charters, I beg they may be Originals, and let me know where I ſhall find them; for the 40 Tranſcripts he mentions in his Annotation on Mr. *Sage*'s Introduction, as yet I can have no Regard to them. And as to 40 given by Mr. *Hay*, I

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own, that after the Year 1371, they call *John Primogenitus, Comes Carrictæ, et Seneſcallus Scotiæ*, yet they prove nothing at all that is denied by me in this Debate.

Before I put an End to this Introduction, I crave Leave to ſubjoin a Paſſage from Mr. *Ruddiman*'s Preface to *Buchanan*'s Works, it is in *p.* 19. *Col.* 1. where ſpeaking of *Buchanan*'s famous Dialogue, *de jure regni apud Scotos*, he earneſtly wiſheth, that *Buchanan* had not meddled with it: His Reaſon is, *Utpote haud ignari materiam eſſe longe omnium vexatiſſimam, nec calamo ſed ferro definiendam, i. e.* becauſe we know that it is a moſt intricate Subject, which will not be decided by the Pen, but by the Sword: So that if Mr. *Ruddiman* ſhall deſcend ſo far, as to do me the Honour of giving me a Reply, he deſpairs of putting an End to this Controverſy by his Pen. But was it not decided by Acts of Parliament in both Kingdoms at the Revolution? This Deciſion, I hope, ſhall ſtand for ever. Nay, was it not decided by the Sword of King *William*, when he obtained ſuch a Victory over King *James* VII. at the *Boyne*, as obliged him to fly the Kingdom of *Ireland*, as he had before that deſerted *Great Britain?* Nay, was it not decided, *anno* 1715, much about the Time when Mr. *Ruddiman* publiſhed his Preface, by the Victory obtained by the brave Duke of *Argyle* at *Sheriffmuir*, and that of Generals *Wills* and *Carpenter* at *Preſton* in *England*, both on the ſame Day? Has it not been lately decided, by the amazing Victory obtained over the Army of the young Chevalier by our great Hero the Duke of *Cumberland*, when not above Sixty of our Army were killed and wounded; and above Eighteen hundred of

the Rebels fell that Day? Muſt it ſtill be a deciding by the Sword? And has not Divine Providence, ever ſince the Revolution, blaſted all the Attempts, in a remarkable Manner, that have been made for the unhinging of that Settlement?

There are two conſiderable Blunders in the printed Treatiſe, which I wiſh my Readers may correct with the Pen. The firſt is in *p.* 106, Line 7. read Miſs for Wife, and Line 8. read Wife for Miſs, according to the *Latin* Paſſage at the Foot of that Page. The other is in *p.* 178, which makes *John* to have been married to *Eliſabeth* his Mother, Line 26. blot out the Word *And*, and in Place of it, write, *was by*; and Line 27. blot out *John*, and ſo the Sentence will be read, *Robert* II. the Father of this *John*, was by the Parliament allowed to marry *Eliſabeth*.

AFTER

AFTER having, at great Leiſure, impartially reviewed the Treatiſe I publiſhed on Government, I am more confirmed, that the Right to the Crown and Kingdom of *Scotland* is not ſtrictly hereditary, which was the Doctrine I did undertake to eſtabliſh.

One Argument, among many, I adduced to prove it, was the Illegitimacy of *Robert* III. and my Antagoniſts own, that a Baſtard, not having the Right of Blood, cannot inherit.

And now, in the further Proſecution of this Argument, I ſhall begin where I ended my former Treatiſe. It ſeems that Sir *George Mackenzie* had promiſed, in his *Right of Succeſſion defended*, to give a Copy of an Act of Parliament in *Latin* at the End of that Treatiſe: But he not having made good his Promiſe, Mr. *Atwood* complained of him, that inſtead of printing the ſaid Act, he gives no more at the End of the ſaid Treatiſe, than the following Poſtſcript: *In regard there is*, p. 194, 195, *mention made of an Act of Parliament determining the Succeſſion of* Robert *the Second's Children, and referred to here; upon further Conſideration, the Author has thought fit to defer the printing of it till another Time, the Subſtance of it being inſerted in the ſaid Pages.*

This *Poſtſcript*, which Mr. *Atwood* had fathered on Sir *George*, ſurpriſed me not a little, that Sir *George* ſhould promiſe to give in *Latin* an Act of Parliament, (for the Acts of Parliament, in the Days of *Robert* II. and ſometime after, were in that

that Language) and not perform his Promiſe, but, upon ſecond Thoughts, defer the printing of it till another Time, was ſo ſurpriſing to me, that I was apt to think that Mr. *Atwood* was either miſtaken, or impoſing on the World: And having the Book in my Poſſeſſion, I found that it had not the 194 and 195 Pages, and that there was no ſuch Reference in my Copy, nor the foreſaid *Poſtſcript*; but found two Additions to it, one conſiſting of 14 Pages and a Half, and a ſecond conſiſting of a Page and a Half, in none of which I could find the foreſaid *Poſtſcript*; and the ſixteen Page ends in ſuch a Manner, as I was made to think it was an imperfect Book. This made me inquire after another Copy, and at laſt I fell upon one, which agrees with mine *in omnibus*. And knowing that there was an Edition of all his Works, printed in two Volumes in Folio, *anno* 1722, I conſulted it, if I might find the foreſaid Reference and Poſtſcript; but neither the one nor the other was there; nay, that Copy in the Folio Edition leaves out the foreſaid ſixteen Pages, which are in mine; upon which I was ready to conclude, that there was certainly another Impreſſion of the Book. A Gentleman obſerving what I ſaid in Pages 150 and 182, was ſo kind as to ſend me a Copy he had, at a conſiderable Diſtance from this Place, for which I acknowledge my great Obligations to him: The Copy he ſent me, is printed at *London* for *Richard Chiſwell* at the Roſe and Crown in *St. Paul*'s Church-yard, *anno* 1684, the Copy which I have, and the other I found in *Edinburgh* I compared with it, are printed at *Edinburgh* by the Heir of *Andrew Anderſon* Printer to his moſt ſacred Majeſty, both in the ſame Year

Year 1684. I have already inſerted the Poſtſcript; and now it is neceſſary, that I inſert the Subſtance of the Act, and what relates to it in Pages 194, 195, of the *London* Edition; and to ſhew where the Paſſage is left out, both in the *Edinburgh Octavo* and *Folio* Editions, the Readers would know that it ſhould come in after the Word *Reign* in the 8*vo* Edition, *p.* 49, Line 14th, and in the *Folio* Edition, after the Word *Reign*, *p.* 481. Line 7th.

The Paſſage and the Subſtance of the Act omitted follow, *Reign:* "I have (ſays Sir *George*) "alſo found out a Copy of an Act of Parliament "among the Records of the late famous Lord "Regiſter *Skeen*, which I think fit to inſert Word "for Word, at the End of this Treatiſe in *Latin*, "the Subſtance whereof runs in *Engliſh* thus."

"That a Parliament being called at *Scoon* the "4th of *April*, *anno* 1473," (it is wrong printed, it ſhould be 1373, becauſe of the Words immediately following) "and 3d Year of King "*Robert* II. on Purpoſe to ſecure the Succeſſion, "and to prevent all Diſorders that might afterwards ariſe, in any Part of the Kingdom, about "Titles to the Crown, it was enacted by the "ſaid King *Robert* II. with the Advice and Conſent of the whole three Eſtates, That the Sons "then born to the King by his firſt and ſecond "Wives, and their Heirs, ſhould in Order ſucceed to the King in Manner after-ſpecified; "that is to ſay, that his eldeſt by the firſt Marriage, *John* Earl of *Carrick*, ſhould immediately ſucceed, as had been already declared in the "preceeding Parliament, and after him his "Heirs; and that in caſe he died without Iſſue,

"that

" that his Brother *Robert* Earl of *Monteith*, the " King's ſecond Son of that Marriage, ſhould " ſucceed, and his Heirs; which failing, that " *Alexander* Earl of *Badanoch*, the King's third " Son of that Bed, and his Heirs, ſhould inherit " the Crown; and in caſe that failed, that *Da-* " *vid* Earl of *Strathern*, the King's fourth Son " by his ſecond Marriage, and his Heirs, ſhould " ſucceed; and that failing, that *Walter*, the " King's fifth Son by the ſaid ſecond Wife, and " his Heirs, ſhould inherit the Crown; and if it " ſhould happen that the ſaids five Sons, and their " Iſſue ſhould fail, that then the next in Blood of " the Royal Line ſhould ſucceed: Which Act all " the three Eſtates did, for themſelves, and their " Heirs for ever, ſolemnly ſwear to obſerve, as is " more at large to be ſeen in the Original itſelf."

Now is it not ſtrange, that he thought fit to give the Subſtance, and that afterwards he ſhould think fit to defer the Act itſelf in *Latin* till another Time, tho' he had promiſed it? What can the Reaſon be, that the Subſtance of the Act is given in the *London* Impreſſion, and yet is left out in the *Edinburgh* Impreſſion? Is it to be thought that it is not in the *Edinburgh* Impreſſion, becauſe the Curious could eaſily diſcover, whether it were ſo or not, by having ready Acceſs to the Regiſters, when thoſe at *London* had not that Advantage? Again, ſince Mr. *Atwood* complained of this Management, why did not the Publiſher of the *Edinburgh* Folio Edit. if there was ſuch a *Latin* Act, in theſe Terms, in the Records of Lord Regiſter *Skeen*, that *John*, *Robert* and *Alexander*, were the Children of the firſt Marriage, publiſh it? For this would have effectually confuted the Relation of all our Hiſtorians;

rians: But it is unlucky, that the ſaid Lord Regiſter *Skeen*, in his *Chronological Table of the Kings of* Scotland, acquaints us, that *Eupham Roſs* was the firſt Wife of *Robert* II. And is it to be thought, that this famous Lord Regiſter would publiſh a Chronological Table bearing this, when his own Records, as Sir *George* calls them, have an Act of Parliament in *Latin*, bearing that *Eliſabeth Muir* was his firſt Wife, and *Eupham Roſs* his ſecond Wife? Beſides, I do not underſtand the Expreſſion, *Regiſter* Skeen's *Records*, unleſs it be a Book wherein he had tranſcribed ſome Acts of Parliament, and other Papers of Antiquity, for his own Uſe; for, by his Office, he was the principal Keeper of the publick Records of the Kingdom; and if it was a Book for his own Uſe, it cannot be held and eſteemed a publick Regiſter. Again, Sir *George* in his Account, *loco citato*, contradicts himſelf: For in *p.* 194, he ſays, That he found a Copy of an Act of Parliament among the Records of the late famous Lord Regiſter *Skeen*; and yet afterwards, in *p.* 195, he calls it an Original; for he ends the Subſtance of the Act thus, *as is more at large to be ſeen in the Original itſelf.* Further, I want to know from thoſe who were concerned in the Publication of all the Works of Sir *George Mac-Kenzie* in *Folio*, whether they followed the *London* Impreſſion or the *Edinburgh* one? If they followed the *London* one, how came they to omit that which is contained in the 194 and 195 Pages, and the Poſtſcript in the laſt Page? Or if they followed the *Edinburgh* Impreſſion, which was in the very ſame Year; How, or by what Authority, they came to leave out two Additions, which fill up no leſs than ſixteen Pages? It is very ſtrange, that neither the

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Publiſhers of all his Works, nor the Friends of the Author, had a Regard to Sir *George*'s Promiſe and Faith to the Publick, for printing the foreſaid Act of Parliament in *Latin*. Many of his Friends were living, *anno* 1722, when the *Folio* Edition was a publiſhing; but it ſeems that they alſo, upon further Conſideration, thought fit (as Sir *George* before them) to defer the printing of it till another Time.

There is certainly ſomething myſterious in the whole of this Conduct: For Sir *George* ſays, *p.* 192, to balance the Authority of our Hiſtorians, that he will produce the Teſtimony of the learned Sir *Lewis Stewart*; and in *p.* 194, to balance it yet more, he makes mention of two Acts of Parliament, the laſt of which is that which he promiſed to print, as it is in the *Latin:* And indeed, if there be an Act of Parliament, that bears that *Eliſabeth* was *Robert*'s firſt Wife, it does over-balance the Authority of our Hiſtorians. And now ſince it will balance the Authority of our Hiſtorians, what Reaſon can be given for denying the Publick the Benefit of it? I begin now to ſuſpect, that either it is a Forgery, or that Sir *George* at laſt obſerved ſuch Nullities or eſſential Defects in it, as rendered it neceſſary to be ſtill kept in Obſcurity.

Again, the Objection which Sir *George* had undertaken to anſwer, by vouching the ſaid Act of Parliament, mentions another Son of *Robert* II. by *Eupham Roſs* than *David* and *Walter*, viz. *Alexander* Earl of *Buchan*, Was not he alive *anno* 1373, when the Entail of Parliament was made? How then comes it about, that he is kept out of the Entail? May I not conjecture, that ſince he is not

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in the pretended *Latin* Act, the Act is not given us, for this would diſcover the Impoſture.

But here Sir *George* brings us into a Labyrinth: For, in the Objection, (whether it is of his own making, or whether it was formed to him by others, I know not) in all the Editions of the *Right of Succeſſion defended*, *Alexander* Earl of *Buchan* is joined with *David* and *Walter*, as one of the Sons by *Eupham*; whereas this *Alexander* Earl of *Buchan* is by *Buchanan* called one of the Sons by *Eliſabeth*, and in a Charter which Mr. *Hay* of *Drumboote* gives us in his *Vindication*, *p.* 36. 37.

Sir *James Dalrymple* (*a*) gives us his Account of this Act of Parliament, or the Subſtance of it, in the following Words, "There is a ſecond Act "of Succeſſion in the third Year of that King's "Reign, which doth not only declare *John* to be "Heir of the Crown; but after him, failing "Heirs-male, *Robert* Earl of *Fife* and *Monteith*; "and he failing in like Manner, *Alexander Stew-*"*art* of *Badenoch*, afterwards Earl of *Buchan*, all "deſigned Sons of the ſaid Marriage; and they "alſo failing, to *David* Earl of *Strathern*; and "in like Manner after him, to *Walter Stewart* "Earl of *Athole*, Sons of the ſecond Marriage; "and failing of all the Heirs-male, *veri et legi-*"*timi hæredes de ſanguine et parentola regali.*" This is nothing but what Sir *George Mackenzie* had given. Does this ſatisfy Mr. *Atwood*'s Complaint, that it is not given at full Length in *Latin*, as Sir *George* had promiſed? He ſays, That Mr. *Atwood* may have more of it *verbatim*; Why then was not this done? Nay, why was not the whole of it given

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(*a*) Pref. p. 34.

verbatim, that his and Sir *George*'s Subſtance of it might be compared with the Act itſelf.

Dr. *Mackenzie* a grand Stickler for hereditary Right, but a moſt falſe and blundering Hiſtorian, Vol. II. of *his Lives*, *p.* 103. refers to this Act; but he neither ſets down the Subſtance of the Act, as Sir *George* had abridged it, nor the *Latin* Act itſelf. Dr. *Abercromby* another Advocate for the ſtrict hereditary Right, but one that has a greater Regard to Truth, depends on Sir *George Mackenzie*'s Abſtract of the Act, and inſerts it, *Martial Atchievements*, Vol. II. *p.* 173. but forbears to give us the *Latin* Act. Mr. *Ruddiman*, in his *Annotations on* Buchanan's *Hiſtory*, *p.* 423. Col. 1. refers to this Act of Parliament, dated *April* 4th *anno* 1373, concerning the lawful Succeſſion, but gives not the *Latin* Act. And now Mr. *Ruddiman* and *George Crawford* being the only ſurviving Advocates for the Legitimacy of *Robert* III. I have a Demand on them to publiſh this *Latin* Act, or let it be known where it is extant, that it may be compared with the Subſtance given by Sir *George*. Mr. *Ruddiman* ſays, That tho' *Buchanan* ſeems to have had this Act in his View, *p.* 168. C. L. 12. yet it appears he never read it; for if he had but ſlightly glanced it over, he would have diſcovered the whole Impoſture. But Mr. *Buchanan* could not read it, as he and Sir *George* repreſent it to have been: For he ſays, That *Robert* obtained at the Parliament aſſembled at *Scoon*, that in making a King, to paſs by the Children of *Euphemia*, and to prefer *John*, *Robert* and *Alexander*, according to the Order of their Age. But it ſeems that Mr. *Ruddiman* likeways has not read it; for had he given it but an overly Glance, or the Subſtance of

it,

it, he would have found, that *Robert* Earl of *Monteith* was *Robert*'s ſecond Son; and yet contrary to Sir *George Mackenzie* and Sir *James Dalrymple* their Accounts of the Subſtance of the Act, he, in his Preface to Mr. *Anderſon*'s *Diplomata*, *p.* 42. 43. gives Credit to *George Crawford*'s Aſſertion, *Nobil. p.* 6. that this *Robert* was the third Son of *Robert* and *Eliſabeth Muir*, and perhaps begotten after one or two Daughters. Mr. *Ruddiman* will ſurely take Care to extricate himſelf. Strange! that he ſhould build on this Act, and at the ſame Time deſtroy the Order of Succeſſion eſtabliſhed by it; Is not this to give with one Hand, and to take away, at the ſame Time, with the other?

This Act has given me no ſmall Trouble: But at laſt I apprehend, I have found out the true Reaſon why the Publication of it in *Latin* is deferred, *viz.* that there are Interpolations in the Subſtance or Abſtract, which are not in the Original, *viz.* that *Eliſabeth* was *Robert*'s firſt Wife, and *Euphame* his ſecond Wife. I am led to think ſo, from the Relation that *Hollinſhed* gives us of this Entail (*a*), he ſays, "That *Robert* called another Parliament "at *Perth*, where it was ordained, that after the "Death of King *Robert*, *John* his eldeſt Son "ſhould ſucceed him, and by an Act eſtabliſhed "the Succeſſion to the Crown: It was to *John* his "eldeſt Son, and to his Male Heirs; and for "Default of ſuch Heirs, to *Robert* his ſecond Son, "and to his Male Heirs; and for Default of ſuch "Heirs, to *Alexander* his third Son and his Male "Heirs: And in Default of them, to his Son "*Walter*, begotten on *Euphemia* his Wife, and "to the Heirs-male of his Body; and if ſuch a "Suc-

(*a*) Hiſt. Scot. p. 245. Col. 2.

" Succeſſion failed, then it ſhould deſcend to his " youngeſt Son *David* the Earl of *Strathern*, and " to his Heirs General, either Male or Female." In this Account of the Parliamentary Entail, *Eliſabeth* is not called *Robert*'s firſt Wife, nor is *Eupham* called his ſecond Wife.

But before I diſmiſs this Act, I obſerve, that it overthrows the Doctrine of Succeſſion by Proximity of Blood; for the Entail is made to the Male Heirs of *Eliſabeth*'s three Sons, to the Excluſion of their Daughters, if there is no Male. It is likeways ſo to the eldeſt Son of *Eupham*, and his Male Heirs, excluding Daughters; but failing Heirs-male of her ſecond Son, to his Heirs General, either Male or Female. There is another Difference I muſt take Notice of, Sir *George* makes *David* the eldeſt Son of *Eupham*; but *Holinſhed*'s Account of the Entail makes *Walter* her ldeſt Son. See in the Sequel.

To vindicate *Robert* III. from the Imputation of Baſtardy, all Men muſt now be convinced, that my Antagoniſts have not one Hiſtorian to confront the harmonious Account given by our Hiſtorians, *Fordun*, or his Continuators, *Hector Boethius*, *John Major*, *John Leſly* the Popiſh Biſhop of *Roſs*, the grand Aſſertor of the Cauſe of our Queen *Mary*; *Buchanan* and *Hauthornden Scots* Hiſtorians, *Holinſhed* and *Saunderſon Engliſh* Hiſtorians: *Skeen* and *Murray* Lord Regiſters, and King *Charles* II. by his Royal Privilege. This Narration has paſſed current, without any avowed and publick Contradiction, till the Year 1684; ſo that now they have nothing to ſupport their Cauſe but a Number of Charters, on which they lay a mighty Streſs, whereof the *Pariſian* Charter, *anno* 1364, is that which they chiefly truſt to. This I have given both

both in *Latin* and *Engliſh* in my former Treatiſe. It was firſt publiſhed by Mr. *Innes*, upon a very ſuſpected Occaſion, and re-publiſhed by *Mabillon*, in his curious Treatiſe *de Re Diplomatica*: And that it might be univerſally known by all *Britons*, Care was taken to tranſlate it into the *Engliſh* Language, and the Evidences advanced by the learned *Pariſian* Antiquaries, for ſhewing it to be genuine, with Mr. *Innes*'s Preface, containing his Evidences, and the Atteſtation of the *Scottiſh* Nobility and Gentry at *Paris* and *St. Germans*. The Tranſlator gives a Preface to the whole, in a Pamphlet, entituled, *The Royal Family of the* Stewarts *vindicated from the falſe Imputation of Illegitimacy*, &c. Printed at *London* by *E. Curl*, *anno* 1711, when *Jacobitiſm* was thought to be favoured by Queen *Anne*, as appears from the Annals of the laſt Years of her Reign. After this, in the Year 1715, Mr. *Freebairn*'s, or rather Mr. *Ruddiman*'s Preface to Mr. *Buchanan*'s Hiſtory, with Mr. *Ruddiman*'s many Ways uſeful Annotations on his Hiſtory itſelf, were publiſhed, when a Rebellion was briskly carried on under the Command and Conduct of the late Earl of *Mar*, in both which, the Principles of hereditary Right, and the unlimited Power of our Kings are laid down, when they were publiſhing an Hiſtory that unanſwerably confuted both; a Method very ſurpriſing, when they had undertaken to publiſh a Hiſtory greatly applauded and recommended by the moſt learned Men, and the beſt Writers of Hiſtory in *Europe*.

In the foreſaid Pamphlet (which came not to my Hand till ſome Days after I had publiſhed my Treatiſe) the Author ſets out with an elegant Harrangue againſt Slander and Calumny, as an irre-

irreligious and criminal Practice, ſhewing that it is the more unpardonable, when it is raiſed and uttered againſt Perſons of high Rank and Dignity, ſuch as Kings and Princes, and applies this to our Hiſtorians, and eſpecially with great Spite and Malice againſt *Buchanan*; becauſe of the Narration he gives concerning the Wives and Children of *Robert* II. Had this Author ſhown the ſaid Narration to be falſe, the Charge of Calumny would have been juſt: But there is a wide Difference betwixt aſſerting and proving; it is ſurpriſing, that any ſhould call the ſaid Narration Calumny, when the famous Lord Regiſter Sir *John Skeen*, and the learned Lord Regiſter Sir *Thomas Murray* confirm the ſaid Narration in their *Chronological Tables*; nay, when King *Charles* II. granted his Royal Privilege and Licence to print this Table, which not only contains the foreſaid Narration, but the Account of many of our Kings, as having been the worſt of Men, and the moſt cruel Tyrants: *Thus they diſturbed the Aſhes of buried Majeſty, and did tear up from the Grave their venerable Bones, and inſult the* Manes *of thoſe ancient Heroes.* The ſaid Table, with his Majeſty's Licence, ſhall be printed in the Appendix, it not being to be had, but in Books of high Price, and ſuch as are rare, to ſhew who they are that diſturbed the Aſhes, *&c.*

The Writer of the foreſaid Pamphlet goes on in ſuch a Strain and Torrent of Words againſt the committing the Vices of Kings and their Maleadminiſtration into Writing, as plainly ſhews he is for burying their Faults in Silence and Oblivion; which muſt put an End to all Hiſtory: And that it would be a good Expedient and Overture to make

make up an *Index Expurgatorius* of all ſuch Hiſtories, and order them to be called in, and be burnt by the Hand of the common Hangman; and the inſpired Writings of the wicked Reigns, both of the bad Kings of *Judah* and *Iſrael*, muſt go with the reſt. *Suetonius*, the *Roman* Hiſtorian, wrote the Lives of the twelve *Cæſars* with great Freedom, they having lived and reigned moſt licentiouſly: All Hiſtorians ſhould have a Regard to the excellent Brocard, *Ne quid veri non audeant.*

It is the hard Fate of impartial Hiſtorians to fall under the Laſh of the cenſorious Tongues, and bitter Invectives of a certain Set of Men; and none more than Dr. *Gilbert Burnet* late Biſhop of *Sarum*, who had the Thanks of the Parliament of *England*, for his Hiſtory of the Reformation; yet, becauſe he wrote with Freedom the Hiſtory of his own Time, a Book which has undergone ſeveral Impreſſions in a few Years, the Tongues and Pens of High Churchmen and *Jacobites* have unmercifully been employed againſt him. Here I ſhall take Occaſion to tranſcribe from that Hiſtory, under the Year 1686, the *Octavo* Edition (*a*), where he gives us the Opinion of Queen *Mary*, Daughter of King *James* VII. one of the beſt of Queens, on this Subject: He ſays, "That when "he was admitted to wait on that Lady, then "Princeſs of *Orange*, at the *Hague*, he began to "lay before her the State of our Court (*England*) "and the Intrigues in it ever ſince the Reforma-"tion, which ſhe received with great Satisfaction, "and ſhewed true Judgment and a good Mind, "in all the Reflections that ſhe made. I will "(*ſays he*) only mention one in this Place, ſhe "asked

(*a*) P. 1146.

" asked me, What had ſharpened the King ſo " much againſt *Jurieu* the copiouſeſt, and the " moſt zealous Writer of the Age, who wrote " with great Vivacity, as well as Learning? I " told her, he mixed all his Books with a moſt " virulent Acrimony of Stile; and, among other " Things, he had written with great Indecency " of *Mary* Queen of *Scots*, which caſt Reflections " on them that were deſcended from her, and " was not very decent in one that deſired to be " conſidered as zealous for the Prince and herſelf. " She ſaid, *Jurieu* was to ſupport the Cauſe he " defended, and expoſe thoſe that perſecuted it, " in the beſt Way he could; and if what he ſaid " of *Mary* Queen of *Scots* was true, he was not " to be blamed who made uſe of it; and ſhe " added, That if Princes will do ill Things, " they muſt expect that the World will be re- " venged upon their Memory, ſince they can't " reach their Perſons: That is but a ſmall Suffer- " ing, far ſhort of what others ſuffered from their " Hands. This is the Sentiment of a Sovereign, " who was willing to run the Hazard of what " Hiſtorians ſhould ſay of her when ſhe was " gone."

But the Practice of thoſe, who exclaim ſo much againſt *Buchanan*, who had declared naked Truth concerning *Robert* II. his Wives and Children, when their Intereſt came to be touched, was as ſharp and virulent againſt Kings: See *Heylin*'s bitter Reflections on King *Edward* VI. and the Carriage of the *Engliſh* Clergy to King *James*, when he granted an Indulgence to all Diſſenters from the Church of *England*, both Papiſts and Proteſtants, the Presbyterians and Independents, (who

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are hated as much, if not more, than Papiſts, by High Churchmen and our *Jacobites*) who were allowed the Benefit of it.

If *Buchanan* is guilty of Calumny in his Narration, what muſt be ſaid of *John Leſly* Biſhop of *Roſs*, who writes (*a*), "That *Robert* had *Eufemia*, "the Daughter of the Earl of *Roſs*, for his Wife, "who lived moſt pleaſantly many Years with "him, and bore to him *David* and *Walter*; the "King made *David* Earl of *Strathern*, and *Wal-*"*ter*, afterwards Earl of *Athole*; but he had a "more numerous Iſſue by *Eliſabeth*, the Daugh-"ter of *Adam Muir*, with whom, not being "bound to her by any Law of Marriage, he was "greatly enamour'd before *Eufemia* was his "Wife." This Biſhop of *Roſs* was a great Favourite of *Mary* Queen of *Scots*, her faithful Confident in all her Troubles, and beſt Defender and Supporter of her Cauſe; and yet this Biſhop caſts this Aſperſion on the Royal Family of the *Stewarts*, and ſurely was well founded: For, in his *Parænesis*, he ſays to the Nobility and People of *Scotland* (*b*), "In writing of this Hiſtory we have, that the "Laws of Hiſtory may not be violated, exami-

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(*a*) *Geſt. Scot. p.* 249. *Uxorem habuit Euphemiam, comitis Roſſenſis filiam, quæ cum illo multos annos ſuaviſſime tranſigens, Davidem et Walterum illi peperit, quorum illum comitatu Ernevallis, hunc vero Atholiæ comitatu rex poſtea dotavit. Verum auctior illi proles ex filia Adami Mure Eliſabetha (quam nulla matrimonii lege ſibi vinctam, diu ante Eufemiam habuit in deliciis) fuit.*

(*b*) *Paræn. p.* 29. *In quibus ſcribendis, ne hiſtoriæ lex violaretur, illa quæ prius ſcripta erant, exegimus ad veritatem annalium, qui in publico regni noſtri archivis aliiſque antiquiſſimis codicibus, quos majores noſtri Paſleti, Scone, ac in aliis monaſteriis religioſe ſervarunt, continebantur.*

" ned what Things were formerly written, ac-
" cording to the Truth of our Annals, which
" are kept in the publick Archives of our King-
" dom, and theſe moſt ancient Manuſcripts,
" which our Anceſtors have religiouſly preſerved
" at *Paiſley*, *Scoon*, and other Monaſteries." He was Preſident of the Court of Seſſion, and ſo had Acceſs to all our Regiſters. Will any Man after this have the Brow to ſay, That he blindly followed Hiſtorians that wrote before him, without examining what they wrote, or ſearching Records and Manuſcripts? Now, why is it that *Buchanan* is by our Highflyers ſo bitterly inveighed againſt? Is it becauſe he was zealous for the Reformation, and the other as zealous againſt it?

The Pamphlet-writer ignorantly follows the Opinion of Mr. *Innes*, the Prefacer to the *Pariſian* Charter, ſaying, " That *Hector Boethius* was
" the firſt Broacher of the Story of the Illegiti-
" macy of *Robert* III. having no ancient Records
" to prove any ſuch Thing." Herein he and they differ from Mr. *Ruddiman*, who aſſerts (*a*), That *Ruſſel*, one of the Continuators of *Fordun*'s Hiſtory was the Forger or Contriver of it. And if ſo, it is of an older Date than *Boethius*; but if the Character given of *Hector Boethius*, by the famous and celebrated *Eraſmus*, will be regarded, *viz.* That he knew not what it was to lie, his Authority muſt ſtand firm: He went to his Travels for his Improvement in Learning, and was made a Profeſſor in the College of *Montain*, where he got Acquaintance with *Eraſmus*; and Biſhop *Elphingſton* knowing his great Abilities, brought him over from *France*, and got him made Principal of the

(*a*) Annot. p. 432. Col. 2.

the King's College at *Aberdeen*. The Advocates for the Legitimacy object to *Boece* his Authority and Teſtimony, that living at *Aberdeen*, he had not Acceſs to know the publick Records. But this is ſo ridiculous an Objection, that I wonder they are not aſhamed to make it; the Diſtance is not great, I myſelf have made it out with great Eaſe in leſs than two Days and an Half, and had I been curious, I could, during the Space of eight Days I was at *Aberdeen*, have known what Manuſcripts they had there, with reſpect to the Hiſtory of that Time, in both the Univerſities. *Boethius* could have made out the Journey in as ſhort a Time; and being the firſt Maſter of that College, could command as long Time to know what was in our Archives, as was needful.

But, as the Diſtance of the Place, *viz.* from *Aberdeen* to *Edinburgh*, has been objected to *Boethius* his Teſtimony, ſo is the Diſtance of Time, *viz.* of the Marriage and Birth of *Robert* III. down to his Time, thrown up, being near 200 Years poſterior to both: This Objection was firſt ſtarted by Sir *George Mackenzie*, and afterwards taken up by Mr. *Innes*. We are told by another Mr. *Innes*, the Author of the *Critical Eſſay* (*a*), That *Boece* commenced Maſter of Arts in the Univerſity of *Paris*, *anno Dom.* 1494, and that he was called away by Biſhop *Elphingſton*, before he finiſhed his Studies. Now Mr. *Innes* publiſhed the *Chronological Table*, drawn up by the *Pariſian* Antiquaries, in which, they ſay, That *Robert* married *Eliſabeth* about the Year 1340; thus it comes ſhort of the Diſtance of Time near to half a Century: But might not *Boece* conſult ſuch as wrote nearer to the

(*a*) Vol. I. p. 214, 215.

the Time of the foreſaid Birth, particularly *Walter Bowmaker* Abbot of *Inchcolm*, who expreſly ſays, in his Continuation of *Fordun*'s Hiſtory, That King *James* II. was alive (*qui nunc ſupereſt*) when he wrote it: Now *James* II. ſucceeded to his Father, according to the *Chronological Table* of our Kings, *anno* 1437, in the 6th Year of his Age, according to Biſhop *Leſly*; and this *James* lived till the Year 1460. And when *Bowmaker* ſays, *qui nunc ſupereſt*, we cannot know the preciſe Year when he wrote, before the Death of that Prince. But to enforce the Argument, let us grant *Bowmaker* did not write his Continuation, till the very laſt Year of the Reign of *James* II. which is the utmoſt that can be deſired, the Diſtance of the Marriage, to the Time of *Bowmaker*'s writing the Continuation, will be but 120, who might, 20 or 30 Years before that, have converſed with ſome that lived nearer to the Time of the Marriage: And is it not reaſonable to think, that *Boece* peruſed *Bowmaker*'s Continuation; and thus there can no Shadow of Objection to *Boece* his Narration be taken from the Diſtance of Time.

Mr. *Hay* of *Drumboote*, who further deſigns himſelf by the capital Letters C. R. *i. e.* Canon Regular, *viz.* of the Popiſh Communion, in his Book, entituled, *A Vindication of* Eliſabeth More, *from the Imputation of being a Concubine, and her Children from the Tache of Baſtardy*, printed at *Edinburgh*, *anno* 1723; (a Book which I had cited in my Treatiſe from the Authority of Mr. *Ruddiman*, but now in my Poſſeſſion) gives another Contriver of the Story of the Illegitimacy; and this is no leſs Perſon than an Abbot, a dignified Clergyman, *Walter Bowmaker* Abbot of *Inchcolm*, one

one of the Continuators of *Fordun*'s Hiſtory: But ſince Mr. *Ruddiman* is concerned in this Debate, he, in his Opinion concerning the Contriver, differing both from Mr. *Hay* and the *Pariſian* Antiquaries, they alſo having different Sentiments in this Matter, I ſhall leave it to his ſuperior Judgment in theſe Matters, to vindicate his own Aſſertion againſt them; but I am perſuaded that none will be able to ſhew that there is a Forgery in this Matter, or who was the Forger.

And now ſince I have mentioned this Continuator of *Fordun*'s Hiſtory, it is of no ſmall Conſequence in this Debate, to narrate the Account that Mr. *Hay* gives of this Book (*a*), he ſays, "That "it was written at *Inchcolm* in glorious Characters; "that it belonged to the Abbay of *Coupar*, afterwards to Sir *William Sinclair* Lord Juſtice General. Sir *Lewis Stewart* purchaſed it, (after "the Caſtle of *Roſlin* was ſurrendered to General "*Monk*) and falling to his Son, it was lent by "Mr. *Hay*'s Aunt, the Lady *Kettleſton*, Spouſe "to Mr. *Andrew Hay* his Uncle. Mr. *Hay* ſays, "That he recovered it from the Rabble, and "carried it beyond Seas, that it is more complete "than any Manuſcript he has found abroad, or "met with at home, and will ſhortly be publiſhed." But I am credibly informed, he did not publiſh it, but ſold it to the Faculty of Advocates. I wiſh Mr. *Ruddiman* had favoured us with *Ruſſel*'s Narration concerning the Illegitimacy: For I apprehend, that *Fordun*'s *Scotichronicon* in Print, in the ſeveral Editions, and the beſt Continuators are in the Advocates Library; but ſince he has not done it, which I deſpair of ſeeing done, I ſhall

(*a*) Vind. p. 110.

I ſhall tranſlate the *Latin* Paſſage, as Mr. *Hay* gives it from *Bowmaker*'s Continuation (*a*), " This *Robert* did actually take to himſelf one of Sir *Adam More*'s Daughters, by whom he had Iſſue, he having afterwards obtained a Diſpenſation, married her, as it ſhall be related afterwards: He begat upon her King *Robert* III. *Robert* III. begat King *James* I. *James* I. of this Name begat King *James* II. who is now alive (*b*). And it is to be obſerved, that the foreſaid King begat three Sons by the Lady *Eliſabeth More*, the Daughter of Sir *Adam More*, to wit, *John*, who afterwards was King, and *Robert* Duke of *Albany*, and the forementioned *Alexander* Earl of *Buchan*, commonly called the *Wolf* of *Badenoch*. After this he married Lady *Euphemia*, the Daughter of *Hugh* Earl of *Roſs*, by whom he had *Walter* Earl of *Athole*, and *David* Earl of *Stratherne*; but *Euphemia* the Queen being dead, " he

(*a*) *Lib.* 17. *cap.* 21. *Iſte Robertus copulavit ſibi de facto unam de filiabus Adæ More, militis, de qua genuit proles, quam poſtea impetrata diſpenſatione, in matrimonium deſponſavit, ut poſtea dicetur; ex qua genuit, Robertum III. regem. Robertus III. Jacobum I. Jacobus I. hoc nomine, Jacobum II. regem, qui nunc ſupereſt.*

(*b*) *Et eſt notandum, quod prædictus Rex de Domina Eliſabeth filia Domini Adam de More genuit tres filios, ſcil. Joannem, qui poſtea fuit Rex, et Robertum ducem Albaniæ, ac præmiſſum Alexandrum comitem Buchaniæ, qui vulgo dicebatur Lupus de Badynach. Dehinc deſponſavit Dominam Euphemiam filiam Hugonis comitis Roſſenſis, de qua genuit Walterum comitem Atholiæ,—— et David comitem de Stratherne; ſed mortua Regina Euphemia deſponſavit præmiſſam Dominam Eliſabetham; et ſic virtute ſupervenientis matrimonii ſecundarum nuptiarum, legitimati ſunt dicti fratres, Joannes, ſcil. Robertus et Alexander, quia ſecundum Canones matrimonium ſequens, legitimat filios natos ante hujuſmodi matrimonium.*

" he married the foreſaid Lady *Eliſabeth*, and ſo " by Virtue of the ſupervenient ſecond Marriage, " the foreſaid Brothers were legitimated, becauſe, " according to the Canons, Marriage following, " legitimates the Sons born before this kind of " Marriage." Mr. *Hay* compares the Paſſage in *Major*'s Hiſtory (of which Mr. *Ruddiman* had ſaid, that perhaps *Major* may be excepted) with this Paſſage of *Bowmaker*. Mr. *Hay* ſets down the Paſſage of *Major* over againſt this in the ſame Page, (which I have given in my Treatiſe, *p.* 124.) and therefore I refer the Reader to it. Sir *James Dalrymple* in his Preface to his Collections obſerved, that in the Paſſage, as *Major*'s Book is printed, there is a typographical Error, *viz.* the tranſpoſing of the Name *Eliſabeth* for *Eupham*; for this he was ſeverely laſht by Mr. *Sage:* But the Earl of *Cromarty* as unmercifully pays him back in his own Coin, calling him the *Cyprianick Doctor*. Mr. *Hay* does the ſame, calling him the *good old gray-headed Writer*, and makes the following Obſervation, " There is no Man that underſtands per- " fectly the *Latin* Tongue, and is willing ſeriouſ- " ly, and with Attention, to read the foregoing " Paſſages, but will acknowledge, that the Word " *Eliſabeth* is tranſpoſed for the Word *Eupham*, " and that *Major*'s Sentiment is the ſame with " that of *Bowmaker* and his Tranſcribers, which " appears clearly from the Extract thus, *Mortua* " *enim Regina Euphemia, hanc Eliſabetham in conju-* " *gem accepit.*"

This Manuſcript of *Bowmaker*, Mr. *Hay* ſays, is the *liber Cuprenſis*; and becauſe it was in his Poſſeſſion, as a Book in his Library, he calls it by his own Name, *Codex Hayanus*.

The

The foreſaid Paſſage I have inſerted from *Bowmaker*, as a moſt material one, ſerving to illuſtrate what is narrated by our Hiſtorians; and therefore I make the following Obſervations; *firſt*, Mr. *Sage* ſtifly contended againſt the Correction offered by Sir *James Dalrymple*, that he might have at leaſt one of our Hiſtorians on his Side of the Queſtion, when all the reſt to a Man are againſt him. 2*dly*, From this Agreement of *Bowmaker* and *John Major*, I think the Argument I made uſe of in my Treatiſe (*a*), to ſhew that *Eupham* was the firſt Wife of *Robert* II. *viz.* that *Walter* did conſpire againſt the Life, and procure the Slaughter of King *James* I. pretending a Right to the Crown, as procreate by King *Robert* on *Eupham Roſs* his Wife. This I ſupported then by the Authority of *John Major*, *Hauthornden*, *Hollinſhed* and *Saunderſon*, which I deſire my Readers may read in the Pages referred to. But now I obſerve, that *Major* has taken his Account from Abbot *Bowmaker*, and that both aſſert, that *Walter* was *Eupham*'s eldeſt Son: And to theſe I add the Authority of Sir *David Lindſay* of the *Mount*, Lion King of Arms, who underſtood the Science of Genealogies better than any *Scotſman*; his Teſtimony ſhall be afterwards inſerted, the *Pariſian* Antiquaries aſſert the ſame in their Chronological Tables, which they contend is *ſecundum hiſtoriæ veritatem*. To all theſe I ſhall add the Teſtimony of *John Leſly*, an Authority that our Antagoniſts will not reject, who (*b*) expreſly calls him the eldeſt Son of *Euphemia*, and the chief Plotter.

Mr.

(*a*) P. 73.---78. (*b*) *Geſt. p.* 265. *principes conjurationis erant, Walterus Atholiæ comes et ipſe Regis patruus, ac Euphemiæ Reginæ filius natu maximus, &c.*

Mr. *Ruddiman*, in two Places of his Annotations, is pleaſed to aſſert againſt *Buchanan*, that *David* was the eldeſt Son, to wit, *p.* 432. *Col.* 2. and *p.* 438. *Col.* 2. The Reaſon he goes upon is, That it plainly appears from the Act and Decree of *Robert* II. that *David* was the eldeſt Son; but as *Hollinſhed* gives the Act, *Walter* was the eldeſt Son. Now this is the Act of *Robert* and the Parliament, of which Sir *George Mackenzie* had given the Subſtance, and which he promiſed to give wholly in *Latin*, which Promiſe he never performed. See *p.* 3----10. of this Treatiſe: Here Mr. *Ruddiman* refers to it; but ſince he does not inſert it, tho' he knew that *Atwood* had demanded it, I am apt to think that he refers to this Act, truſting to Sir *George*'s Narration; but if he does not depend upon it, the Demand is now upon him, that he may be pleaſed to publiſh it, as it is in *Latin*, bearing, that *Eliſabeth* was *Robert*'s firſt Wife, and *Euphemia* his ſecond; for it is not poſſible for him to reprobate ſo many Authorities as I have brought, unleſs he ſhall do it. 3*dly*, I obſerve, that the Aſſertion of the *Pariſian* Antiquaries muſt be falſe, that the Authority of *Hector Boece*, *viz.* as to the Illegitimacy, is overthrown by ſeveral ancient Manuſcripts: They produced none; I have produced *Bowmaker*'s aſſerting the Illegitimacy in the ſtrongeſt Manner imaginable: I know no Manuſcripts before *Fordun*'s *Scot. Chron.* and the Continuations of it, that give any Account of *Robert* II. his Wives and Children; The *liber Paſletenſis*, and the *liber Pluſcartenſis*, are the chief Continuations of *Fordun*'s Hiſtory; theſe contained the moſt Things of any Authority, in the Books of our Monaſteries and religi-

ous Houſes; for as to theſe Collections that were almoſt in every Abbay in the Nation, they are but imperfect Copies, or rather Abſtracts of *Fordun*'s Hiſtory. Now if any of theſe have given Narrations contrary to *Hector Boece* his Account of the Illegitimacy, why are they not publiſhed? But I deſpair of ſeeing this done. *4thly*, I obſerve, that the *Latin* Scrape of Sir *Lewis Stewart*, cited by Sir *George Mackenzie*, and referred to by the *Pariſian* Antiquaries, can merit no Credit at all, for eſtabliſhing the Legitimacy of *Robert* III. tho' Sir *George* ſays, he got it from Lord *Pitmedden*; for, as I obſerved in my former Treatiſe, neither Sir *Lewis* nor the Lord *Pitmedden* durſt ſo depend upon it, as to publiſh it: So, ſince Mr. *Hay* of *Drumboote* informs us, that Sir *Lewis Stewart* had purchaſed this Continuation of *Fordun* by Abbot *Bowmaker*, and had it in his Poſſeſſion; his *Latin* Scrape is irrefragably confuted by it, ſince it aſſerts that *Eupham* was *Robert*'s firſt Wife, and that he had begotten *John* and two other Sons, before he married *Eliſabeth*: Does not this plainly ſay, that Sir *Lewis* was neither able to diſprove *Bowmaker*'s Teſtimony, nor had the Aſſurance to publiſh his *Latin* Scrape?

Mr. *Hay* adds to the Number of our Hiſtorians two more, to wit, *Bremen Domat* and *Adam Abel*, who narrate the Baſtardy of *Robert* III. but ſo much am I unacquainted with our ancient Writers, that I never ſaw *Adam Abel*'s Book, nor do I know his Character; I found *Domat*'s Book in the College Library in *French*: But there is one of very great Note, that I ſhall add to the Number, and this is the much celebrated Sir *David Lindſay* of the *Mount*, Lord Lyon King of Arms, who, by

virtue

virtue of his Office, muſt be allowed to be a very competent Judge in this Queſtion concerning Genealogy; he was born in the Reign of King *James* IV. and died, *anno* 1553. This Gentleman, after he had finiſhed his Academical Studies at *St, Andrews*, travelled through *England*, *France*, *Germany* and *Italy*, as he inſinuates in his Poems, where he arrived at a great Knowledge of Heraldry. After he returned from his Travels, he was ſoon taken Notice of by King *James* IV. and his Court, becauſe of his rare Accompliſhments and great Knowledge of the Languages of the more polite Parts of *Europe*, and the Cuſtoms of foreign Courts; and his Converſation was ſo entertaining and inſtructing, that he was judged to be the fitteſt Perſon to have the young Prince, *James* V. entruſted to his Care: He was made one of the Gentlemen of the Bed-chamber to the King. In the Dedication to the King of his Poem, called the *Dream*, he makes mention of various Offices he had, ſuch as Steward, Capper, Carver, Purſe-maſter, and ſecret Treaſurer, Uſher, and chief Cubicular, aud Lord Lyon King of Arms: But, in the Year 1533, he was deprived of them all, becauſe of his Love to a Reformation in Religion, which he hints at in his Poem, which he calls his *Complaint to the King*; and indeed he ſpared neither the Vices of the Court, nor the Corruptions of the Clergy, whom he expoſed in the ſame jocular Way, or in Ridicule, that the famous *Eraſmus* did the Fooleries, the Superſtitions and Idolatries of the Church of *Rome*, which opened the Eyes of many, to ſee the Neceſſity of a Separation and Seceſſion from that Church. There were ſeveral Plays of his, which were publickly

publickly acted at *Coupar*, on the Caſtlehill of *Edinburgh*, and in ſome Place betwixt *Leith* and *Edinburgh*, and on an Amphitheatre erected at *St. Johnſtoun*. Archbiſhop *Spotiſwood* commends him for his quick Wit, his great Knowledge in Hiſtory, and deep Judgment in Heraldry. *Pitſcottie*, in his *Continuation of* Boethius, ſays, That he wrote a Hiſtory; but I cannot find that it is any where preſerved. Dr. *Mackenzie* makes him a great Maſter of the *Greek*, *Latin*, *French*, *Italian* and *German* Languages. I have inſiſted ſo long on the Character of this Gentleman, to ſhew that his Judgment in this Controverſy is much to be regarded. In his own proper Buſineſs, as Lord Lyon King of Arms, he was very curious, and has left a fair Collection of Matters relative to the *Scottiſh* Court of Honour in *Folio*, which has the following Atteſtation.

This Book and Regiſter of Arms done by Sir *David Lindſay* of the *Month*, Lyon King of Arms, Regn. *Ja.* V. contains 106 Leaves; which Regiſter was approven by the Lordis of his Majeſtie's moſt honourable Privy Counſale at *Holie-ruds-houſe*, 9th *December* 1630.

JAMES BALFOUR *Lyon*.
Thomas Dryſdail Ilay-Herald-Regiſter.

The Account that Sir *David* gives of *Robert* II. his Wives and Children, follows in the old *Scottiſh* Syllabication.

"Here followys the Armys of certane noble "Ladys Queynis of *Scotland*, ſen the noble Sur-"name of the *Stewarts* ſucceeded to the Crown "of *Scotland*: In ye firſt, *Robert* ye Secound of "yat Name, ye firſt King of the noble *Stewartis*

"ſpouſit

" ſpouſit twa Ladyis; ye firſt was *Effem* Doch-
" ter to ye Erl of *Roſs*, qlk bair to him twa
" Soneis, *Walter* Erl of *Athole*, and *David* Erl
" of *Stratherne*, and ane Dochter callit *Effem*,
" ſpouſit with *James Douglas* Sone and Air to
" *William* Erl of *Douglas*. Efter ye Deceſs of
" yis ſaime myt Lady, he ſpouſit *Elizabeth*
" Dochter to ane noble Knyt Schir *Adam Muir*,
" qlk bair to him, or he was firſt maryit, three
" Soneis, qlk he reabilit; ye firſt was *Jhone*, qlk
" ſucceedit to the Crown, quhais Name was
" changit, and callit *Robert*; ye ſecound callit
" *Robert* Duke of *Albany*, and Governour of *Scot-*
" *land*; ye third *Alexr.* Erl of *Buchan*, and Lord
" of *Badzenoch*, and twa Dochters, ane maryit
" with *Jhone Dunbar*, qlk after was Erl of *Mur-*
" *ray*, ane uther maryit with *Jhone Lyone*, of
" whom ſuccedit ye Houſe of *Glamys*." In the next *Folio rectto* are the Armys of ye twa Queynis, Spouſis to King *Robert* ye Secound, ye firſt King of the *Stewartis*. *Effem*, Queyne of *Scotland*, *Elizabeth* Queyne of *Scotland*.

This is a bright Evidence in this Cauſe, given by the moſt learned Man of that Age, and highly eſteemed by King *James* IV. and King *James* V. who, by his Office, is ſuppoſed to have been much converſant in our Antiquities and Genealogies: He declares the naked Truth, though it might be thought, that being a Courtier and Favourite of the King, he had many Temptations to write otherways, the Lords of his Majeſty's Privy Council did not think that Sir *David* did aſperſe the Royal Family; or if it was a Blot upon it, they did not find Fault with him for it, but rather did approve of his Book. Is it not then reaſonable to think,

think, that when *Buchanan* wrote his Hiſtory, he did conſult this Book of Heraldry? Will Mr. *Ruddiman* ſay, that theſe two Lyon Kings of Arms did blindly follow *Ruſſel*'s Narration? The *Extracta de Chron. Scot.* not only ſay, that *Robert*'s Sons by *Eliſabeth* were begotten before Marriage, but that the Son of the Concubine was preferred to the Crown before the Son of the Queen. The Paſſage I have placed at the Foot of the Page (*a*). In the ſame Manuſcript we have another Excerpt from another Chronicon to the ſame Purpoſe, about 64 Pages after the former.

Upon the whole, the Caſe thus ſtands, that *Eupham Roſs* was *Robert*'s firſt Wife, and that *John*, afterwards *Robert* III. was begotten on *Eliſabeth Muir* before he married *Eupham Roſs*: That this is unanimouſly narrated by all our Hiſtorians *nemine contradicente*, that I have mentioned no leſs than eleven of our oldeſt Hiſtorians, two *Engliſh* Hiſtorians, two Lord Regiſters, and King *Char.* II. giving his Privilege to one of them to print it with the publick Laws of the Kingdom, two Lord Lyons Kings of Arms, Sir *David Lindſay*, Sir *James Balfour*, and the Privy Council of *Scotland*, *anno* 1630,

(*a*) *Excerp. de Chron. Scot. Fol.* 148 Verſe. *Filii regis Roberti II. ex Domina Eliſabeth filia Domini Adæ de More fuerunt, Johannes primogenitus, poſtea Rex, patri ſuo ſucceſſit, Robertus dux Albaniæ, ac prædictus Alexander, qui vulgo dicitur Lupus de Badzenach abſque matrimonio geniti, dehinc deſponſavit Dominam Euphemiam filiam Hugonis Roſſenſis, de qua genuit Walterum comitem Atholiæ et David comitem de Stratherne, ſed mortua Regina Euphemia deſponſavit dictam Dominam Eliſabeth: et ſic primogenitus ex concubina præfertur Reginæ filio ſuo ad coronam.* And the *Carthuſian* Book of *Perth*, *Lib.* 12. *Cap.* 5. has theſe Words, *Sed mortua Regina Euphemia deſponſavit præmiſſam Dominam Eliſabeth.*

1630, atteſting and approving the ſaid Book of Heraldry. After all this the *Pariſian* Antiquaries and Mr. *Ruddiman* their Narrations, the former, that *Hector Boece* his Authority is overthrown by ancient Manuſcripts, and the latter, that *Ruſſel*'s Account is contrary to the ſame, muſt now appear not to be true; nay, that the Account of the Illegitimacy has paſſed current for Three hundred Years, without being publickly and avowedly quarrelled by any Hiſtorian, whether Popiſh or Proteſtant, or any other Writer whatſomever, till the Year 1684, when a Turn of State was to be ſerved thereby, by the Courtiers of King *James* VII, ſo that I have the Audacity to affirm, that it is impoſſible: And again I affirm, that it is impoſſible to ſhew from any ancient Manuſcripts or Hiſtories, that the ſaid Narration is a Forgery or Contrivance. Thus I have brought the Controverſy to a narrow Point, *viz.* Whether it can be diſproved by ancient Charters?

Wherefore I now proceed to the Examination of the ancient Charters, for on theſe alone the Strength of the Cauſe of our Antagoniſts doth depend. The Advocates for the hereditary Right, in a ſtrict Senſe, and the Legitimacy of *Robert* III. make a hideous Noiſe of Charters, Charters, Charters, nay, Charters by Dozens and Scores, whereby they think they are able to run down the Authority of a King, of a Privy Council, Lord Regiſters, Lord Lyons, all our Hiſtorians down to the Year 1684: But all this Thunder does no Harm at all, *Bruta fulmina.*

Mr. *Hay* of *Drumboote*, in his *Vindication*, gives us above Forty Charters at full Length, to eſtabliſh the Legitimacy of *Robert* III. for the moſt

Part,

Part contained in a Book of King *David*'s, and the Rolls of *Robert* II. He deſcribes King *David*'s Book (*a*) to be a "large *Quarto*, compoſed of "66 Leaves of Vellum, that it contains 325 cu- "rious Charters, whereof there are 274 granted "by King *David* the *Bruce* to the 54th Leaf; "that from the 55th to the 66th there are Char- "ters granted by *Robert* II. the firſt and ſecond "Years of his Reign, and are correctly tranſcrib- "ed, for the moſt Part, in his Rolls; they are "writ in a very good Character, the firſt Page "is ſpoiled and obliterated. It begins with King "*David*'s Conceſſions made in the 33d Year of his "Reign, ſo that his Charters of a more ancient "Date are loſt, and not recorded in our publick "Archives: The ſmall and ſcattered Remains of "this Regiſter Book had been miſerably deſtroyed, "if they had not been carefully gathered toge- "ther, and drawn out of the Rubbiſh by Mr. "*John Corſe* a Perſon of great Integrity, who "cauſed them to be handſomely bound upon his "own Charges in red *Ruſſia* Leather, for preſer- "ving them from the Duſt and Moiſture." From this Account it appears to be a very imperfect Book, and that there is ſomething of Manufac- ture about it. This confirms the Return of the Lords of Seſſion to the Houſe of Peers: Theſe Charters are Tranſcripts; but we are not told, as to the moſt of them, whether they were tranſcri- bed from the Originals or from Copies, who were the Tranſcribers, one or many, nor their Deſig- nations, that we may know what Credit they de- ſerve. Mr. *Hay* ſays, they are correctly tranſcri- bed for the moſt Part, fairly hinting, that they all

(*a*) Vind. p. 51.

all are not correct; nor does he acquaint us which are correct and which not; or, that he ſaw the Originals of the moſt Part of them, ſo as to compare the one with the other. This Regiſter is a patcht up Book; for he ſays, that it is only the Remains of a Regiſter, and that the ſmall Remains of it were ſcattered; but where, we are not told: However, he ſays, they were carefully gathered together out of Rubbiſh; but where the Rubbiſh lay, is alſo concealed from us. *Mr.* Corſe *bound them handſomely*; ſo that Mr. *Hay* might as well have called it *Codex Corſianus*, as he does *Bowmaker*'s Book, *Codex Hayanus*: Since, as I have obſerved in the firſt Treatiſe, that about the Time when the mighty Advocates for the Legitimacy were going on with their Vindications, Perſons, as it is reported, were ſought out, who could exactly write the old Characters of Charters. Again, this Book of King *David*'s was not made up or patcht together, till ſometime after this Controverſy aroſe or revived in the Reign of Queen *Anne*. If this Book had ſuch an Atteſtation for its Authenticity, as Sir *David Lindſay*'s Book of Heraldry had by the Privy Council of *Scotland*, *anno* 1630, it might merit a Regard; but it has no Atteſtation at all. Had any Thing been done of this Nature in the Reigns of King *Charles* II. or King *James* II. when the Earl of *Cromarty* and his Friend Sir *George* were in great Power, probably it would have met with Oppoſition, becauſe of the ſtanding Authority of King *Charles* II. interpoſed, for printing Lord Regiſter *Murray*'s Chronological Table. In fine, had they been atteſted, as the Regiſters of the General Aſſembly of the Church of *Scotland* were, *anno* 1638, our Antago-

niſts would have had ſomething to boaſt of. That Aſſembly, before they would ſuſtain the Regiſters laid before them, as authentick, appointed a Committee of their Number to inſpect and examine them; They did this, and reported their Validity, with the Reaſons upon which they grounded their Opinion; They did atteſt before God, and declare upon their Conſcience to the World, and that Aſſembly, that they were authentick and good Regiſters. The Duke of *Hamilton*, his Majeſty's High Commiſſioner, did indeed proteſt, that the Aſſembly's approving of them, or any Thing contained in them, might be noways prejudicial to his Majeſty, nor to the Archbiſhops and Biſhops, or any of their Adherents; becauſe, he had Exceptions againſt them: Whereupon the Earl of *Rothes* deſired his Exceptions might be condeſcended on, and ſaid, they ſhould be preſently cleared; but it does not appear that his Grace made a Condeſcendence. The Report of the Committee was made the 27th of *November*, but the atteſting of them was delayed till the 28th, that any who had a Mind to object might then do it; but none did appear to object. The Aſſembly approved them as good and authentick Regiſters, for the Reaſons mentioned at large in the Acts of that Aſſembly.

What I have obſerved concerning King *David*'s Book of Charters, is in a great Meaſure, I think, ſupported by the Return made by the Lords of Seſſion, dated at *Edinburgh*, *January* 9th 1746-7, in Obedience to the Order of the Right Honourable the Lords Spiritual and Temporal aſſembled in Parliament. The Lords of Seſſion ſay, "That "tho' in the Regiſter-houſe there appears ſeveral "Rolls of Charters, down from the Reign of

"King

"King *Robert* I. to that of King *James* I. of "*Scotland*, and from thence forward, Books in "each Reign, into which great Numbers of Char-"ters are tranſcribed; yet it does not appear, "nor can it, that the Series of theſe Rolls or "Books is complete; becauſe, the Entries of theſe "Charters are not made in them regularly, in "Order of Time. But Charters of a later Date "are followed by others in the ſame Book, of a "Date many Years earlier; ſo that there may "have been ſeveral intermediate Books between "theſe that now appear, for any Thing that can "be certainly known.--Many of the Books of the "Records of Charters ſtill extant are in ſo bad "Condition, ſome of them being damnified with "Sea-water, and ſo defaced and obliterated in "ſeveral Places, as not to be legible, ſome of "them having had Leaves, by Accident or De-"ſign, torn out of them here and there, and o-"thers of them having Leaves of blank Paper, "unfilled up, ſtill appearing in them, that it is "impoſſible to rely on them, for a Diſcovery of "what Charters may have been granted."

After what is offered by the Right Honourable the Lords of Seſſion, I ſhall not preſume to make any other general Remarks on the Book of King *David*, or the Rolls of *Robert* II. but I ſhall proceed to the Examination of the particular Charters brought to prove the Legitimacy. Some of them are ſaid to be Autographs, or to be *ex Autographis*, by Mr. *Hay*; now, whether he did tranſcribe them from the Originals himſelf, or whether it be marked in King *David*'s Book, and *Robert* II's Rolls, that this or the other Charter was by the Tranſcribers taken from the Originals, I know not.

And

And there are some taken from Registers, *viz.* these in the Leigh Parliament-house, and from the Chartulary of *Paisley*. And there are a great many Charters mentioned, but where they are to be found, or from whence they were transcribed, we are not told. But before I proceed to the Examination of the Charters under each of these general Heads, there are some Remarks I must make on Charters mentioned by Scores: And *first*, Sir *George Mackenzie* had in his *Right of Succession defended*, informed us (*a*), "That Sir *Lewis Stewart*'s *Latin* Scrape bears, that he found twenty "Charters in the Archives of the Castle of *Edinburgh*, which make it as clear as the Sun, that "*Elisabeth* was *Robert*'s first Wife, and *Euphemia* "*Ross* his second, and that he left them there." The Writer of the Pamphlet, intituled, *The Family of* Stewarts *vindicated* (*b*), translates Sir *Lewis* Words very absurdly, that he might impose on his *English* Readers, as if Sir *Lewis* had asserted, that he saw twenty Records: For the *Latin* Words are, *Immo ego plures quam viginti Chartas* (*i. e.* Charters) *in archivis inveni*; but he makes it to be twenty Records. Now a Record or Register is vulgarly taken for a Book, wherein publick Papers are to be found. A Cause that needs to be supported with such a manifest Untruth, must be a very desperate one. Sir *Lewis Stewart* was his Majesty's Advocate, and is it not strange, that he has not acted up to the Duty of his Office, by confuting *Buchanan* with a Document that is as bright as the Sun? But it seems he has had a greater Regard to the Testimony of Abbot *Boxmaker*, whose Continuation he had in his Possession, than to these twenty Charters,

(*a*) P. 48. (*b*) P. 18.

Charters, since he has given no Transcript or Copy of any one of them. And have we any Reason to trust the *Latin* Scrape fathered on Sir *Lewis* by Sir *George*, when the Earl says, of two Charters mentioned by Sir *Lewis*, that they are nowhere extant.

Mr. *Ruddiman* in his Annotation on Mr. *Sage's* Introduction, *p.* 36. and 37. mentions no less than twenty Charters dated, as to the Year, Month and Day, without mentioning the Places where they were granted, to prove, that King *David* lived not only till the 20th of *July* 1370, but many Months thereafter; but if Mr. *Ruddiman* shall be pleased to count them again, he will find only Seventeen granted in the Year 1370, the 40th Year of his Reign. All these are adduced, to shew the Error of all our Historians, who affirm, that *David* reigned only Thirty-nine Years; a mighty Point gained, when this may be imputed to the different Manner of Reckoning, as to the Beginning of the Reigns of our Kings. Mr. *Ruddiman* reckons it from the very Moment that the former King died. *Buchanan*, with others, reckon it from the Time of their Coronation, when they oblige themselves solemnly to govern according to the Laws. Mr. *Ruddiman* gives us another Score to prove the Time of *David's* Death to have been *anno* 1371, because, he says, "The Act or Char-"ter of Privileges being placed in the Register, "after all these Charters dated in the Forty-first "Year of his Reign, this Act must be the very "last of them;" but since this Act of Privileges wants a Date, twenty, nay a thousand Charters that have a Date, can never determine the Date of a Charter that wants one. The Transcriber's record-

recording a Charter in a publick Register, which, for this Defect, should not have had a Place in any Register, can be a Proof of nothing but his Stupidity. The Lords of Session in their Return to the Order of the House of Peers take Notice of this Stupidity and Ignorance of the Recorders, when they observe, *That Charters of a later Date are followed by others, in the same Book, of a Date many Years earlier.*

Mr. *Ruddiman* observes, "That the last 20 are "all dated the 41st Year of King *David's* Reign, "and that this Charter of Privileges is placed the "very last, which renders it almost certain, that "this Charter has been granted in the 41st Year of "his Reign, and very probably that it was the last "publick Deed of his Reign." But tho' Mr. *Ruddiman* says, that the last 20 are all dated the 41st Year of his Reign, yet he does not make mention of the Months and Days when, nor of the Places where, they were granted; it being so, they can prove nothing: But supposing these Defects were made up, what do they prove? Do they prove a Certainty with respect to the Charter of Privileges? By no Means; but only as he expresseth it, *That it is almost certain, and very probable, that the Charter was granted in the 41st Year of King* David's *Reign, and that it was the very last Deed done by him.*

Mr. *Ruddiman* goes on, and asserts that King *David* returned to *Scotland, anno* 1370, and so had sufficient Time, after his Return, before his Death, to have called a Parliament; but it is *a non sequitur, ergo* he called a Parliament. The Charter indeed has these Words, *In pleno nostro parliamento*, i. e. in our full Parliament; but it does not tell

the

the Time when it was held. Mr. *Sage* informs us (a) from Mr. *Rymer*, "That there is an In-"strument under King *David*'s Seal, given at "*London*, *June* 4th 1370, and in the 40th Year "of his Reign; and that there is another of this "King, dated at *Edinburgh* on the 20th of *July* "following:" But how do we know when he left *London*, and took Journey for *Scotland*? Kings having a great Retinue with them, and being much careſſed, do not uſually make ſo great Diſpatch. King *James* VI. when he went from *Edinburgh* to *London* for the Crown of *England*, tho' deſired by theſe in the Adminiſtration, after the Death of Queen *Eliſabeth*, to repair to *England* with all Speed; yet tho' he left *Edinburgh* the 5th of *April*, it was the 7th of *May* before he reached *London*. I ſaid how do we know when he left *London*? For beſides the Charter dated at *London*, *June* 4th 1370, he was at *London June* 13th, as appears from an Evidence given by Mr. *Rymer*, Lett. *p.* 47. No doubt he might have made out the Journey in the Time foreſaid; but when he held the ſaid Parliament, there is no Document.

I obſerve concerning the firſt Score of Mr. *Ruddiman*'s Charters, the two laſt of them were dated the 9th of *January* 1371, and that according to him *David* died *Feſto Cathedræ St. Pauli*, relying on the Authority of the Author of the *Extracta*; this Mr. *Ruddiman* ſays cannot be underſtood of that of *Rome*, i. e. the 18th of *January*, but of that of *Antioch*, which is the 22d of *February*, and ſo muſt be the preciſe Day of King *David*'s Death; but he gives not his Reaſon for this: It

(a) Introd. p. 36.

It seems he thought it too short a Time to grant twenty Charters from the 9th of *January* to the 18th; whereas, tho' the first Score took a longer Time, *viz.* from the 9th of *September* to the 9th of *January*; Mr. *Ruddiman*, by a careful Review, will be able to give us the Places where the first Score were subscribed, and likeways the Places, the Months and Days, when and where the other Score were granted; till then all these Charters are grosly defective, and consequently no legal Documents, as to the Time of granting the Charter of Privileges; for Mr. *Hay* cites a good Reason, from *Fabianus* an old Christian Writer, *Apud quos non cohæret temporum annotatio, apud hos, ne historiæ quidem veræ esse possunt*, i. e. these Histories cannot be true, which give not right Dates as to the Time when Events happened. Thus we see the mighty Noise made by Mr. *Ruddiman* with his forty Charters, turns out to be *vox, & præterea nihil*; they are *bruta fulmina*: However great the Thunder is, it does no Harm to our Cause. Forty Arguments to prove a Probability I never heard of before. But let us consider the Charter of Privileges itself, which the Earl gives us at full Length (*a*); this Charter was granted in a Parliament held at *Perth*: But what Evidence is there that it was held in the Month of *February*? For it must be in that Month, *anno* 1371, if it was his last Deed; but we have no Evidence that I know of, that he held a Parliament there before the 18th of *February*; for in that Month, as Mr. *Ruddiman* observes, King *David* died. The Charter has no Date as to Year, Day or Month, this is a considerable Defect; and in the Enumeration of Witnesses,

(*a*) Vind. p. 53---55.

neſſes, It ends thus, *Comite de* —— i. e. the Earl of Nothing.

Mr. *Ruddiman*, *Annot. Introd.* p. 37. ſays, "Had "the Charter been intire, it would have removed "all Scruples; but unluckily the laſt Leaf, which "contained the Date and ſome of the Witneſſes "Names has been torn out, and that perhaps "near 300 Years ago, and before the *Continuati-* "*on of* Fordun, and the *Extracta de Chronicis* "*Scotiæ* were written; for both theſe have that "Charter, but wanting the Date, and ſome of the "Witneſſes, as in the Records." But here we have no more but Conjectures, ſuch as that it had a Date; for there are many other Charters produced in this Cauſe, which have no Date. He conjectures, that the Record, containing this Charter, was prior to the *Scoti Chronicon* and the *Extracta*; ſo that the *Chronicon* and *Extracta* contain a Copy taken off the Records. Again, the Copy which the Earl of *Cromarty* gives, ends thus, *Willielmo comite de* —— But an old Manuſcript Copy of the *Extracta* lying now before me, ends the Charter thus, *Willielmo comite de Douglas*.

In ſhort, this Charter labours under ſuch Defects and Nullities, that I am amazed that Mr. *Ruddiman* adduceth no leſs than forty Arguments to prove it to be genuine. *Parturiunt montes naſcitur ridiculus mus*. It is for theſe Reaſons, as I conceive, that Mr. *Hay* gives it not a Place in his large Collection; and for theſe Reaſons I reprobate it.

3. I obſerve that the Earl of *Cromarty* makes a grand Appearance in the Field, with Numbers of Charters; he mentions no leſs than eight (*a*), to

(*a*) Vind. p. 31, 32.

prove that our Historians were ill acquainted with the State and Condition of the King's Children, who say, that he had but one Daughter by *Eupham Ross*, and two by *Elisabeth Muir*. But I shewed in my Treatise (*a*), that our Historians assert no such Thing, and that his Lordship was ill acquainted with the Condition of the other Children of *Robert* II. But this Parade says nothing to the Point in Hand, which was the Vindication of the Legitimacy of *Robert*'s Children by *Elisabeth Muir*. The Earl also makes mention (*b*) of twenty Charters, which confirm (says he) that in the very first Year of *Robert*'s Reign *John* was Earl of *Carrick*, *Robert* was Earl of *Monteith*, and *Alexander* was Earl of *Badanoch*; and therefore *Buchanan* and the other Historians are wrong in asserting, that they were preferred to these Estates and Dignities after *Eupham Ross*'s Death, and after the third Year of his Reign. Thus we have no less than twenty Charters, none of which his Lordship has been pleased to give us at large, nay not so much as their Dates, as to Time and Place, when and where they were granted, nor to whom; or if they have Witnesses, we are not told where they are, and so cannot inspect them; but we must take them upon the Earl's Authority. Again, supposing that they were not defective any of these Ways, it does not follow that *Buchanan* is in an Error, for he does not give it as his own Sentiment, that these three Sons were preferred to these Estates and Dignities after *Eupham Ross*'s Death, and after the third Year of *Robert*'s Reign; but only narrates these Preferments, as it was reported by many, without telling us, by whom it was reported,

(*a*) P. 133. (*b*) Vind. p. 34.

ported, by Historians, or by oral Tradition: For Evidence of this, I have set down his Words in the Foot Margin (*a*). Now is it not strange, that the Earl finds *Buchanan* in the Wrong, for asserting a Thing which he does not assert? But the Spite is so violent against *Buchanan*, that right or wrong he must be in an Error: He brings twenty Charters, as so many Arguments, to prove *Buchanan* to be in the Wrong; yet taking them altogether, they are not one Argument. Thus what I have advanced shews, that no less than Eighty eight Charters adduced by the Advocates for the Legitimacy, twenty by Sir *Lewis Stewart*, forty by Mr. *Ruddiman*, and twenty eight by the Earl of *Cromarty*, go for nothing at all.

The Earl likeways (*b*) makes mention of other eight Charters of *Robert* II. without mentioning the Place where any one of them was granted; and tho' the Year is mentioned, to wit, the first Year of his Reign, yet the Month is wanting as to some of them, and both the Month and Day to others: He speaks of Witnesses *nominatim* only to three of them; for these Reasons I might reject them. He says, That in some of these Charters he is called his eldest Son, (*natu maximus*) in others his First-begotten, (*primogenitus*) that in some of them he is called *hæres*, (Heir) and in the most of them he is called Earl of *Carrick*. Now here once for all I own, that in all the Charters of *Ro-*

(*a*) *Hist. p.* 168. *Sive* (*quod a multis traditur*) *ut filios, quos ex ea genuerat, legitimos faceret, matrem eorum sibi matrimonio junxit; filios suarum divitiis et honoribus auxit. Joannes natu maximus Carrictæ, Robertus Taichiæ, Alexander Buchaniæ, comites sunt facti, adjecta etiam Badenochiæ,*

(*b*) *Vind. p.* 33, 34.

Robert II. where *John* is mentioned, granted not only in the first Year of his Reign, but the second and other Years too; he is called his eldest or his first-begotten, Earl of *Carrick*, and which is more, Steward of *Scotland*; yet in none that I have seen in Mr. *Hay*'s great Collection, and in other Collections, dated after the Year 1371, is he called *hæres*, (Heir) save in the famous Act of King and Parliament, *anno* 1371, which asserted and declared him to be the true and lawful Heir; and yet when I have yielded that in them all he is stiled the eldest or the first-begotten, they prove nothing that was ever denied by *Buchanan* and our Historians: But since that I find the most of these eight Charters are given us in full Length by Mr. *Hay*, I forbear the rejecting any of them, till I come to the particular Discussion of them.

Thus I have made it evident, that this so much boasted of Charter does the Advocates for the Legitimacy of *Robert* III. no Manner of Service: But that I may put an End to this Controversy, it will be proper to inquire, when *Robert* II. married *Elisabeth Muir?* Who performed the matrimonial Ceremony, when they were married? And who were the Witnesses to it? And likeways if there was a Dispensation procured for the making of this Marriage, because of an alledged Consanguinity and Affinity? For all these are advanced to confront the Account given by *Buchanan*, *viz.* That *Eupham Ross* was *Robert*'s first Wife, and died the third Year of his Reign; and that upon this he took *Elisabeth Muir*, who had born several Sons and Daughters to him, to be his Wife; and that from his great Love to these Children, he got them to be legitimated by the Parliament.

(o) The

The first Inquiry is, When was it that *Robert* and *Elisabeth Muir* were married? And here the Advocates for the Legitimacy are not agreed. I find that they are extreamly difficulted and perplexed, how to give a probable Account of so much as the Year in which they were married.

Mr. *Ruddiman*, in an Annotation at the Foot of the 42 Page of his Preface to Mr. *Anderson*'s *Diplomata*, says, That *Fordun*, or his Continuator, narrate, that the Marriage was canonically celebrated, *anno* 1349, and thinks that this is a true Narration. Mr. *Ruddiman* passeth from *Bowmaker* as to this Opinion, and says that *Bowmaker* asserts that the Marriage was celebrated at length (*demum*) after the Death of *Euphemia*, but not till the Year 1387; this Opinion Mr. *Ruddiman* says is intirely false.

A third Opinion is that of the *Parisian* Antiquaries, or Mr. *Innes* the Prefator, in their *Chronological Table*, which they say contains the true History (*secundum historiæ veritatem*); *Robertus desponsat Elisabetham Muir circa annum* 1340, i. e. *Robert* marries *Elisabeth Muir*, about the Year 1340; this is true History, and yet but a Conjecture, about the Year 1340.

A fourth is that of the Earl of *Cromarty*, who (*a*) allows the Contract of Marriage to have been only ten or twelve Years before the Date of the authentick Charter in the Year 1364; so that the Contract must have been, *anno* 1352, or *anno* 1354.

A fifth Opinion is that of Mr. *Hearne*, who believes they were regularly married, *anno* 1339. A

(*a*) Vind. p. 33.

A sixth Opinion is that of Mr. *Sage*, who delivers it with great Uncertainty, he says they were married *anno* 1335. or *anno* 1336 (*a*); but Mr. *Ruddiman* rejects this Opinion of this admired Divine, and so dismisseth it, saying, that *John* might then be born; but it does not follow that he was born in lawful Marriage. Now all these Opinions that date the Marriage before the Year 1349, are as injurious to *Robert* II. and *Elisabeth Muir*, in making *Elisabeth* a Concubine and her Children Bastards, as Mr. *Buchanan*'s, who makes the Marriage to have been *anno* 1378: For Mr. *Ruddiman* says, That the Date of the Marriage in the Year 1349, is agreeable to Truth, and is to be found in all the Copies of the *Scot. Chron.* that he hath seen, *viz.* that *John* and many other Sons and Daughters of *Robert Stewart* were born before the Marriage, whose Consanguinity with their Mother was an Impediment to the Marriage; but it being removed by the Pope's Dispensation, the Marriage was solemnized according to the received Canons of the Church, *anno* 1349, and thereby all the Children were legitimate. Mr. *Ruddiman* rests his Opinion on the Charter, *anno* 1364.

Mr. *Hay* of *Drumboote* differs from the six foresaid Opinions, and maintains, that *Robert* and *Elisabeth* must have been married *anno* 1334 (*b*); and boldly asserts, "That the several Calculations "made by Messrs. *Innes*, *Gray*, *Sage* and *Hearne*, "concerning the precise Time at which the Mar"riage was solemnized and consummate, cannot "be allowed, otherways *John*, *Walter*, *Robert* "and *Alexander*, their Children, behoved to have "been notorious Bastards, and only legitimate

virtute

(*a*) Introd. p. 41. (*b*) Vind. p. 1.

"*virtute ſupervenientis matrimonii*;" which Blunders "are all injurious to the illuſtrious Race of our "Kings, as the ſcandalous Accounts we have of "his Marriage from the Continuators or Abbre-"viators of *Fordun*, *Major*, *Bremendomat*, *Lef-"ly*, *Buchanan*, *Adam Abel*, and other Writers, "who have followed one another blindly, with-"out great Variation in relating that fabulous "Story." But theſe Hiſtorians, without reflecting upon Mr. *Hay*, did ſee better than Mr. *Hay* himſelf.

Mr. *Hay* thinks, that there is no ſaving *Eliſabeth* and her Children from the Imputation of her being a Concubine, and her Children from being Baſtards, unleſs it be maintained, that *Robert* and ſhe were married *anno* 1334, and after the Diſpenſation was purchaſed. Mr. *Ruddiman* ſays, his Reaſons give no Manner of Satisfaction, tho' it is the only Opinion that can ſave *John* from the Imputation of Baſtardy. And Mr. *Hay*'s Reaſon is not contemptible, he ſays, "That *Robert* "Duke of *Albany*, third Son to King *Robert* II. "died, according to all our Hiſtorians, the 3d "Day of *September* 1419, in the Caſtle of *Stir-"ling*, having attained the 81ſt Year of his Age, "(*octagenarius et ultra*) and ſo behoved to be born "in 1338: for ſubſtracting 81 from 1419, there "remain 1338. *Walter* an elder Brother behoved "to have been born *anno* 1337, and *John* Lord "*Kyle* in 1336, and *Alexander* the youngeſt in "1339, and ſo all Four behoved to have been "born *extra matrimonium*, ſince there was no re-"gular Marriage before 1339 or 1340." Hence it is plain, that if the Marriage and Diſpenſation "for making it, were not at leaſt a Year prior to

the

the Year 1336, *John* had not a just Title to the Crown, *i. e.* an hereditary Right, being a Baſtard; his Claim being diſputable, he could not have ſucceeded peaceably, but great Oppoſition muſt have been made by *Eupham*'s Children, they being begotten in lawful Marriage, and all the mighty Arguments and heavy Artillery can be played with equal Force and Vengeance, with which our Antagoniſts would batter down the harmonious Opinion of *Buchanan* and our Hiſtorians: This therefore clears up the Act 1371; for theſe Children begotten *extra matrimonium* were by it legitimated, and they being legitimated by the Parliament, they declared, *That* John *ſhall be, and ought to be the true and lawful Heir to the Crown.* But ſince Mr. *Hay* rejects all the other Dates of the Marriage, it is reaſonable to think, that he ſhould have been certain and ſure as to the Date of the Year he himſelf reſts upon. Why does he fix upon the Year 1334? Might not the Year 1335 be as reaſonable? for, by this Computation, the eldeſt of *Robert*'s Sons might have been born nine Months before the Year 1336, ſo that his Opinion is but a Conjecture, as to the preciſe Year, without any certain Foundation. According to Mr. *Hay*, the Diſpenſation was granted before the Marriage; nay, the Charter itſelf bears, that it was obtained *ſupra matrimonio contrahendo*, *i. e.* in order to the Marriage; and if they were married *anno* 1334, ſome Time muſt be allowed to ſend to *Avignon* or *Rome* for procuring it; ſo that the Diſpenſation muſt have been procured in the Beginning of that Year, or toward the latter End of the Year 1333. Now the Charter ſays, That *William* Biſhop of *Glaſgow* was delegated to grant the Diſpenſation;

pensation. His Name was *William Rose*. But Dr. *Abernethy* (*a*) asserts, That he did not enter the See of *Glasgow* till the Year 1334 or 1336. He speaks with great Uncertainty as to the Time; for he adds, at least we are sure by the original Papers still extant in the *Scots* College of *Paris*, under his Hand and Seal, that he was Bishop in *anno* 1340 and 1341.

The next Query is, Who was the Pope that delegated the Bishop of *Glasgow* to grant this Dispensation? And when was it that the Pope gave his Bull for this Effect? Mr. *Hay* (*b*) says, That *John*'s Mother was regularly married to his Father after the Dispensation had been brought from *Avignon*, *anno* 1334; and (*c*) he informs us, That in this Year Pope *John* XXII. who granted the Dispensation, peaceably departed this Life, and was succeeded by *Bennet* (*Benedict.*) XII. In both these Passages Mr. *Hay* contradicts the Charter, which says, that the Pope did delegate the Bishop of *Glasgow*, upon a Proviso, that *Robert* should found two or one Chapel at the Pleasure of the said Bishop; so that a Power was brought from the Pope to the Bishop of *Glasgow* to dispense, but not the Dispensation itself; And since it doth not appear that ever he founded a Chapel, but only obliged himself to give ten Merks *Sterl.* yearly for the Maintenance of a Chaplain, as the Charter bears; nay, since there is no Evidence that he fulfilled this Obligation, how are we certain that the Bishop did actually grant it? nay, if he did grant it, he exceeded his Powers; for he, instead of getting Security for the founding two or one Chapel, accepts of an Obligation for a pitiful Main-

(*a*) Mart. Atch. p. 161. (*b*) Vind. p. 8. (*c*) P. 31.

Maintenance of a Chaplain, *viz.* ten Merks *Sterl.* yearly: Does not this fortify *Buchanan*'s Aſſertion, that *Robert* and *Eliſabeth* were not married till the Year 1373? It is remarkable, that the Charter ſpeaks not one Word of *Avignon*: Now at this Time there was a Schiſm in the Church of *Rome*, there was one Pope at *Avignon* and another at *Rome*; and ſince the Charter does not declare which of the Popes delegated this Power, how came Mr. *Hay* to fix on Pope *John* at *Avignon*? Beſides, it is unlucky that he has pitched upon this Pope, for he was an heretical Pope. Cardinal *Bellarmine*, *de Pontifice*, *Lib.* 4. *Cap.* 14. ſays, That he was willing to renounce; but when he was preparing and conſulting to do it, he died. *Eraſmus Præf. ad Lib.* 5. *Irenæi*, aſſerts, That he was compelled by the *Pariſian* Divines to make a publick and loud Recantation (*non ſine Buccina*) before *Philip* the *French* King: Now is it likely, when ſo great Oppoſition was made to this Pope by the *French* King, and the Divines of the *Gallican* Church, that they would ſeek a Diſpenſation from a Pope in ſuch Circumſtances? Again, *Onuphrius Panvinius*, in his *Chronicon* of the Popes, bound with *Platina de vitis Pontificum*, writes, That Pope *John* died at *Avignon*, *anno* 1324, *pridie nonas Decembris*, and that Pope *Benedict* was created by Twenty-three Cardinals the very ſame Year. How came Mr. *Hay* to know, that Pope *John*, and not Pope *Benedict*, did grant the Diſpenſation, as he gives it out?

A third Query is, Whether *Robert* and *Eliſabeth Muir* were married together only once or twice? For Mr. *Sage* makes a Diſtinction of a twofold Marriage (*a*), he ſays, We may therefore

(*a*) Introd. p. 41.

fore with great Reaſon allow, that *Robert* might have married *Eliſabeth*, and that privately too, while he was aged about 19 or 20, *i. e. anno* 1335, privately, he ſays, *i. e.* before the afore-mentioned Diſpenſation was obtained, which yet might have been obtained *anno* 1337 or 1338, for then *William*, who was impowered to grant it, was Biſhop of *Glaſgow*: If ſo, this overthrows Mr. *Hay*'s Aſſertion, that the Diſpenſation was granted by Pope *John*; it muſt therefore have been granted by Pope *Benedict*: For Pope *John*, as *Onuphrius Panvinius* informs us, died four Years before that, *viz. anno* 1334; this Diſtinction he makes, becauſe he foreſaw Difficulties ariſing from the fixing the Date of the Marriage to the Year 1339 or 1340, which is done by the Earl of *Cromarty*, as to the Year 1339, and to the 1340 by Mr. *Innes* and the *Pariſian* Antiquaries. But Mr. *Hay*, in his Dedication to Sir *Hugh Dalrymple*, Lord Preſident of the Seſſion, p. 1. ſays, "That Mr. *Innes*, and ſome late Writers, have uſed their utmoſt Endeavours to remove, by their Pamphlets, thoſe black, heavy and monſtruous Calumnies formerly thrown upon *Robert* II. and *Eliſabeth Muir*, but without Succeſs:—For all that they alledge againſt *Buchanan* and his Confederates, neither removes theſe Prejudices, upon which the World have laid ſo long Streſs, nor is of any Moment to the Purpoſe. Whereupon Mr. *Sage*, whom many admire and adore, hath laid down a new Scheme, which is inconſiſtent with the Council of *Lateran* held *anno* 1215, and the 65th Canon of a National Council of our own Country, aſſembled at *Holy-rood-houſe*, *anno* 1227.—In the one and the other private Marriage is condemned as

null

" null and unlawful, and the Child procreate
" *constante lecculto et clandestino matrimonio*, is de-
" clared spurious, upon which Ground *Alexander*
" *Stewart*, Abbot of *Scone* and *Inchaffray*, Son of
" *Alexander* Duke of *Albany*, Brother to King
" *James* III. and Lady *Katharine Sinclair*, Daugh-
" ter to *William* Earl of *Orkney*, Lord High
" Chancellor, Chamberlain, Admiral and Panne-
" tier of *Scotland*, was declared Baſtard in Parlia-
" ment held at *Edinburgh*, *November* 13th 1516,
" and ſecluded from the Succeſſion and Dignities
" of Duke *Alexander* his Father, who had been
" divorced from *Orkney*'s Daughter by *John Otter-*
" *burn*, Official of *Lothian* in *March* 1477, be-
" cauſe the Duke and Lady *Katharine* were in the
" forbidden Degrees, and had been joined quiet-
" ly and privately, without any Proclamations or
" Solemnities, againſt the Canons and the De-
" crees of the Church, and the Laws, Cuſtoms
" and Conſtitutions of the Realm." Mr. *Hay*, *p.* 8. of his *Vindication*, refers to *Skeen*'s *Latin* Edi-tion of our Law-book, called *Regiam Majeſtatem*. For further Evidence, I ſhall give the *Latin* Paſ-ſages, which he cites, in *Engliſh*, the firſt is *Lib.* 2. *Cap.* 50. *Art.* 1. he tells us plainly, " That no
" Baſtard is lawful Heir, nor can any that is not
" born in lawful Wedlock be an Heir." And in his *Annotations*, he adds, " Natural Children or
" Baſtards are not admitted to ſucceed their Fa-
" ther, yet are to be maintained by their lawful
" Brothers or Siſters, according to their Ability,
" and the Judgment of an honeſt Man." And *Lib.* 2. *Cap.* 51. which hath this Title, *What Chil-dren are lawful Ones*, Art. 1. " Concerning this a
" Queſtion is moved, If any Son is begotten or

" born,

born, before the Father has married the Mother? Whether such a Son is lawful Heir, when the Father afterwards shall marry his Mother? *Act.* 2. 3. And tho', according to the *Roman* Canons and Laws he is a lawful Heir, yet, according to the Law and Custom of the Kingdom, he can by no Means as Heir enjoy the Inheritance, nor so much as claim it. This, he says, gives a true Light to the Controversy; for if *Robert* had not married *Elisabeth* before 1336 or 1340, as *Innes*, *Gray* and *Hearne* firmly believe, not only his Children could not have been preferred to the lawful Issue of Queen *Euphem* in the Succession, but they could not have had any just Right or Title to the Crown, or to their Father's personal Estate." This Reasoning equally militates against Mr. *Ruddiman*, who thinks, that the Date of the Marriage in the Year 1349, is agreeable to Truth; so that *John* who was born many Years before the said Year, was a Bastard, and could not succeed to the Crown. Mr. *Hay*, *Vind. p.* 5. adds, "We have a plain Confirmation of this in the Royal Records of King *James* II. *Fol.* 12. 69. *Numb.* 118. *Lib.* 4. "*George Crichton* of *Cairns*, Earl of *Caithness* and Admiral of *Scotland*, had a natural Daughter by his Lady the Countess of *Caithness*, before they were married together. After their Marriage, the natural Daughter was neither admitted to succeed to her Father and Mother as Heir, in the Lands of *Barntoun*, altho' they were granted to the lawful Heirs whatsomever, nor was she naturalized *virtute supervenientis matrimonii*, but constantly called *filia naturalis*, notwithstanding of the subsequent Marriage, and

" and was only provided to the Sum of 300 Merks, " for her Portion and Subſiſtence." And to make out this, Mr. *Hay*, p. 6th, gives us the Charter of *James* II. for the Lands of *Barntoun* to *George* Earl of *Caithneſs*, to his Heir lawfully procreated between him and his Lady.

Now let the Admirers of Mr. *Sage* make Application of the foreſaid Arguments of Mr. *Hay*, to this clandeſtine Marriage of *Robert* and *Eliſabeth*, and try if they can anſwer this nervous Reaſoning, for the Caſes are exactly parallel: He has ſo well combated this pretended clandeſtine Marriage, that I need not add any thing to it. But it is queſtioned if there was ſuch a clandeſtine Marriage betwixt *Robert* and *Eliſabeth Muir*. Dr. *Mackenzie* cooks up the fabulous Story after this Manner (*a*): " King *Robert*, when he was " a young Man, fell in Love with *Eliſabeth Muir* " Daughter to the Laird of *Rowallan*; and having " appointed a Time for their Marriage, ſhe went " privately to his Caſtle of *Dundonald*, where they " were married. Her Father, Sir *Adam Muir*, " hearing that his Daughter was there; but " thinking that ſhe had been ſtole away, and de- " tained by Violence, went to the Caſtle, and " demanded her of the Steward: He told him " that he had married her, and would not part " with his Wife; and at the ſame Time produced " the Prieſt that had married them, and the Wit- " neſſes that had been preſent at the Marriage; " whereupon Sir *Adam* took Inſtruments in the " Hands of one *Mac Adam* a Notar, and returned " to his own Houſe very well pleaſed with the " Match. This Inſtrument is ſtill extant in *Row-*

" *allan's*

(*a*) Lives, Vol. 2d, p. 192.

" *Allan*'s Charter-cheſt. " The Manner in which the Doctor tells the Story, is little to the Character of Lady *Eliſabeth*, and betrays a Want both of Modeſty and Prudence; and it is ſtrange, that the Doctor ſhould be ſo peremptory in aſſerting, that the Inſtrument is ſtill extant in *Rowallan*'s Charter-cheſt, without aſſigning his Authority for it.

But this Story is effectually torn to Pieces by his Brother Phyſician, Dr. *Abercrombie*, to all Intents and Purpoſes, that I need advance nothing to expoſe it: It is very ſtrange, that all along the Advocates for the Legitimacy overthrow each others Schemes for ſupporting it. The Doctor ſays (*a*), " That if the Inſtrument is to be ſeen in " the ſaid Charter-cheſt, the preſent Earl of *Glaſ-* " *gow*, (whoſe Lady is the Daughter of the late " *William Muir* of *Rowallan*) has it in his Cuſtody, " and it were to be wiſhed his Lordſhip would be " pleaſed to make it as publick as Mr. *Innes* " has made the Charter; till then, I beg Pardon " to doubt of the Thing," (and I, after his Example, muſt beg Pardon to doubt, eſpecially ſince; for what I can underſtand, his Lordſhip was not pleaſed to make it publick) " the Doctor " doubts of it, the rather, becauſe the preſent " Earl of *Cromarty*, formerly Viſcount of *Tarbat*, " in his excellent Vindication of *Robert* III. from " the Imputation of Baſtardy, ſpeaks of a Teſti- " ficate under the Hand of *Roger Mac Adam* a " Prieſt, bearing, that the ſaid *Roger* did marry " *Robert*, the great Steward of *Scotland*, to *Eliſa-* " *beth Muir* Daughter to *Rowallan*, and Mr. " *John Lermont* Chaplain to *Alexander* Biſhop of " *St. Andrews*, in his *Collection of the* Scots *Anti-*

" *quities*,

(*a*) Mart. Atchiv. p. 161, 162.

" *quities*, asserts, that he saw this Testificate, " which, if true, the foregoing Story, (*i. e.* Dr. " *Mackenzie*'s Story) and Instrument which is " founded upon it, must be fictitious, unless we " shall say that *Mac Adam* was both the Priest that " performed the matrimonial Ceremony and the " Notary, in whose Hands Sir *Adam Muir* took " Instrument:" But this cannot be, without overthrowing Dr. *Mackenzie*'s Story, which says, That *Robert* produced the Priest and the Witnesses of the Marriage to Sir *Adam Muir*, and that, upon their acknowledging the Fact, he took Instruments in the Hands of one *Mac Adam* a Notar; so that to make the Story to hing together, it would seem rather that the Notar was one that Sir *Adam Muir* brought with him, to be at Hand when he was to make a legal Demand, that his Daughter might be delivered up to him.

Dr. *Abercrombie* proceeds in the Confutation of the Story: " Besides, *says he*, 'tis highly improb- " able, that the Lord High Steward of *Scotland* " would steal away the Daughter of the Laird of " *Rowallan*; for this last, as the Story is told, " was very well pleased with the Match, when " informed of it by his Son-in-Law, the Priest and " Witnesses: To be sure then, he would have " consented to it before hand, if he had been de- " sired; and why he was not desired, I can " but see one Reason, which is, that the amour- " ous Pair could not wait till a Dispensation was " obtained; they longed to be married, (as the " Song has it) and therefore married clande- " stinely: But why in the House of *Dundonald*, " and not in that of *Rowallan*? For once more " I dare say, Sir *Adam* would have made no

" Scruple

" Scruple to give his Countenance, even to a " clandeſtine Marriage between his Daughter, a " private Gentlewoman, and the next Heir, after " the King, of the Crown: The worſt that could " come on it was what actually happened, that " an After-diſpenſation was obtained *ſupra matri-* " *monio contrahendo*, in order to the Marriage; " and tho' it is of no great Importance upon the " main, I have ſo much Regard to the Modeſty " and Prudence of the Lady *Eliſabeth*, as to give " entire Credit to the Charter, till I be unde- " ceived by the Publication of the Inſtrument. " In fine, ſays the Doctor, I muſt enquire, why " we are not told of the Day and Date of that " Inſtrument, and who were the Witneſſes, and " what was the Name of the Prieſt. Theſe " Things, if they were known, would remove a " great many Doubts, and the whole Myſtery " would be unravelled to all Intents and Pur- " poſes." To theſe ſubſtantial Remarks of Dr. *Abercrombie*, I ſhall only add, that the Narration of the Biſhop of *St. Andrews* his Chaplain is very defective; for, beſides the Obſerves made by the Doctor upon this Certificate, the Biſhop's Chaplain does not inform us when he ſaw it, or where it was extant, that others might ſee it likeways. Mr. *Hay* (*a*) ſays, That *Roger Mac Adam* no doubt performed the Ceremony, and calls him Chaplain or Curate to *Rowallan*, contradicting Dr. *Mackenzie*; and if *Rowallan*'s Chaplain gave the Certificate of the Marriage, why are we not told that this is to be found in *Rowallan*'s Charter-cheſt, as well as the Inſtrument which *Rowallan* himſelf took? for this would have been a legal Document. Further,

(*a*) Vind. p. 109.

what Document has he for vouching this, that *MacAdam* was *Rowallan*'s Chaplain and Curate?

I proceed now to the Conſideration of the ſecond Marriage, which the Advocates for the Legitimacy ſay was legal and canonical, and performed with the uſual Solemnities, after a Diſpenſation was obtained from the Pope, or after a Power was delegated to the Biſhop of *Glaſgow*, to grant this Diſpenſation, becauſe of the Impediment of Conſanguinity and Affinity, as it is expreſſed in the *Pariſian* Charter, *anno* 1364. And here I muſt obſerve, that a canonical Marriage is a Conjunction of a Man and Woman by a mutual and lawful Conſent, expreſſed by Words *de præſenti* in the Face of the Church; for this was ſtrictly obſerved by thoſe of the Communion of that Church, and was highly commendable in them: Now it will be here remembred, that Meſſrs. *Sage*, *Ruddiman*, and others, own, that *John*, nay the moſt, if not all *Robert*'s Children, were born before the Diſpenſation was granted, and the Marriage celebrated; and being begotten *extra juſtas nuptias* were really Baſtards, till ſuch Time as their Parents were married, and the Impediment removed by the Diſpenſation; nay, they muſt have been inceſtuous Baſtards, becauſe Children begotten by Parents, before Marriage, in the forbidden Degrees of Conſanguinity and Affinity, by the Laws of GOD, are not only ſpurious, but inceſtuous Children, and the Parents are guilty of the great Crime of Inceſt. Thus Mr. *Sage*, *Ruddiman* and others, caſt a worſe Aſperſion on *Robert*, *Eliſabeth* and their Children, than *Buchanan*, and thoſe who agree with him do: *Buchanan* makes them Baſtards by an antinuptial Forni-

Fornication, there being neither Conſanguinity nor Affinity between the Parents forbidden by the Law of GOD; but the foreſaid Meſſrs. make them to be inceſtuous Baſtards, there being, as the Charter they rely upon ſays, both Conſanguinity and Affinity between the Parents, forbidden by the Divine Law: Let the World now judge, who are guilty of throwing vile Aſperſions on the Royal Family, and other crowned Heads in *Europe*, that have deſcended from them. And now ſince the foreſaid Advocates rely upon the Charter, *anno* 1364, and maintain the Authenticity: It is incumbent upon them, *1ſt*, To inſtruct the Impediment. *2dly*, That there was a Diſpenſation which removed the Impediment. And, *3dly*, That upon procuring this Diſpenſation, they were married before the third Year of *Robert*'s Reign, the Time that *Buchanan* fixeth upon for the Marriage: But, as none of theſe Things have been as yet inſtructed, ſo I am pretty confident they will never be able to inſtruct them.

Firſt, Then the Charter makes the Impediment to be both Conſanguinity and Affinity; the Words of it are, *Impedimento conſanguinitatis et affinitatis*: The Earl of *Cromarty* does not regard this Clauſe, for he fixes only on the Conſanguinity; ſo does *George Crawford*. And, *laſtly*, Mr. *Sage* thought it to be very ſtrange, that both Conſanguinity ſhould be fixed on as the Impediment, that he tranſlated the Conjunction, *et*, *And*, by the diſjunctive Particle, *Or*; ſo that it is doubtful to him, whether the Conſanguinity or Affinity was the Impediment, as I have already obſerved; But the Charter is poſitive, that both Conſanguinity and Affinity were the Impediment. Is not this

to

to give up the Charter? How can they be consistent with themselves to maintain the Authenticity of it, and yet to give up the chief Clause upon which it is founded? It passeth the Power, the Logicks and Metaphysicks of these Advocates, nay the critical Learning of Mr. *Raddiman* to reconcile these Things. See the Confutation of *George Crawford*'s Account of the Consanguinity, in my first Treatise, *p.* 101, 102, And as to the Earl of *Cromarty*'s Argument taken from the Words *consanguineus noster*, i. e. our Kinsman given to Sir *Adam Muir*, see what I have written for exposing this in the said Treatise, *p.* 102, 103, 104. But to all I have said, let me now ask these Advocates, what was the precise forbidden Degree either of Consanguinity or Affinity? For I am willing to give them full Scope to rack their Invention, and to make Discoveries for supporting their Cause. And now as to the forbidden Degrees, either of Consanguinity or Affinity, the Church of *Rome* had greatly extended the Prohibition. Before Pope *Innocent* III. all Marriages were forbidden, even to the seventh Degree of Consanguinity: Pope *Gregory* determined this, the Council of *Lions* (*Lugdunense*) did the same, and Pope *Julius* made them guilty of Incest, if any presumed to marry within the seventh Degree. But Pope *Innocent* III. in a general Council held at *Rome*, *anno* 1216, determined, That since the Inhibition upon Marriages, as to the three last Degrees, is laid aside, *viz.* the 5th, 6th and 7th; we will have it strictly observed as to the other Degrees, and that the Issue from such Marriages are absolutely spurious: For these Authorities I refer my Readers to the *Corpus juris canonici*, published by the two *Pithœi*,

Peter

Peter and *Francis*: And now ſince *Robert* and *Eliſabeth* muſt have been married more than a Century after the Year 1216, the Degree of Affinity and Conſanguinity that could be an Impediment to their Marriage, muſt have been *infra quartum gradum*, i. e. within the fourth Degree. The Earl of *Cromarty* gives us two Charters, one in *Latin* (*a*): It is a Charter of *Robert*, dated at *Irving*, *November* 12th, the ſecond Year of his Reign, to *Adam Muir* of *Rowallan*, for all the Lands of *Rowallan*; wherein *Robert* ſtiles Sir *Adam Muir* his Couſin, *Conſanguineus noſter*. And another Charter in *Engliſh* (*b*) of *Robert* Duke of *Albany*, dated at *Down* in *Monteith* the *penult* Day of *Auguſt*, the Yheir of our Lord Mill. CCCC and fifteen, and of our Governal the tend Year, in Favour of *Johanne* of *Danyelſtoun*, Wife to *Quilhome*, or Couſin *Adam Muir*: From theſe Charters the Earl argues, "That becauſe Sir *Adam Muir* is called *con-*"*ſanguineus noſter*, he was indeed his Couſin-"german by *Eliſabeth Muir*." See my Obſervations on this Reaſoning (*c*): But I add, in theſe Charters, the Degree of Conſanguinity is not ſpecified or explained, and by what Rule it follows, that he was indeed his Couſin-german, becauſe he is ſtiled *conſanguineus*, I cannot comprehend; for, in the firſt of theſe Charters, there are no leſs than three Witneſſes who are ſtiled *conſanguinei*, who certainly were not his couſin-germans: In the large Collection of Charters by Mr. *Hay*, there are upwards of a Dozen that are called *conſanguinei* to *Robert*, for which there is no Evidence that they were his Couſin-germans. There is nothing

(*a*) Vind. p. 67, 68. (*b*) P. 68, 69. (*c*) Treat. p. 101, 102.

thing more common than for Kings, in granting Commissions to Persons to represent them, than to call them Cousins, *consanguinei*, tho' they be not related by Birth or Blood to them. The Word *consanguineus* is of a general Signification, it signifies in general a Kinsman, one that is a Relation by Blood or Birth; but surely there is nothing in the two foresaid Charters, that restricts it to so near a Kinsman, as that of a Cousin-german; nay, I give the Sticklers for the Legitimacy a Latitude, and require from them an Evidence of his being a Kinsman within the fourth Degree.

2. It is incumbent upon our Antagonists to shew, that ever there was a Dispensation granted, either by the Pope or by the Bishop of *Glasgow*, by virtue of a Power delegated by him. Our Opposers sometimes speak of the one, and sometimes of the other. Mr. *Hay* (*a*) gives us here a very formal Story of his own making up, for I cannot find out where he got it; he says, "That the "Steward having purchased a Dispensation, and "the Case adduced in his Libel, being fully proven "by Witnesses, and all Things discussed before the "Bishop as Sub-delegate, the Steward obtained "by his Decree a Licence to marry *Elisabeth* "*Muir* his Cousin, under the Conditions men-"tioned in the Minute; and accordingly the "Ceremony was performed by *Roger Mac Adam*." Mr. *Hay* speaks of a Minute, but I know of none, but what is asserted in the Charter: We have no other *causa scientiæ*; and what is adduced from the Charter is not to be regarded, for the many Reasons already advanced. If the Pope by his Bull granted a Dispensation, or a Power to the Bishop

(*a*) Vind. p. 112.

Biſhop of *Glaſgow* to do it, why is not a Copy of this Bull produced? The Records of the See of *Glaſgow*, they ſay, were carried over to *France* by the Biſhop of *Glaſgow* at the Reformation; ſurely this was a proper Inſtrument to have had a Place in the Regiſter of that See: But no ſuch Thing is ſo much as pretended; nor is the Biſhop's Licence mentioned by Mr. *Hay*, ſo much as ſaid to be in the ſaid Regiſter. Again, our Antagoniſts have no Evidence to ſhew for the Time, when this Diſpenſation was granted, or when the Power was delegated: I obſerved that there are no leſs than ſeven different Opinions as to the Year, when the Marriage was ſolemnized, which ſhews that they are at the utmoſt Uncertainty as to the Time when the Diſpenſation was granted; nay, *Robert* himſelf, who granted the Charter, does not ſo much as remember the Year when he granted it; for the Word, *Dudum*, as I obſerved in the Treatiſe (*a*), is of a vague Signification; it ſometimes ſignifies, long ſince, and likeways, ſome time ago, ſpeaking of the Power given to the Biſhop of *Glaſgow* to diſpenſe with the Impediment. I likeways obſerved in the Treatiſe (*b*), that none of our Hiſtorians ſpeak of an Eccleſiaſtical Diſpenſation. *Major* was the only Hiſtorian that I then knew that did uſe the Word *diſpenſatio*, and then I explained it, of the Parliament's allowing *Robert* to marry *Eliſabeth*, tho' he had uſed her as his Concubine, and in that unhallowed Coition had many Children with her, there being no Conſanguinity forbidden by the Divine Law to hinder it; nay, no Conſanguinity within the fourth Degree forbidden by the Popiſh Canon Law: But I now find that *Walter Bowmaker*,

(*a*) P. 104, 105. (*b*) P. 178, 179.

maker, in the Passage I had Occasion to cite, p. 38. useth the Word *Dispensatio*; but he keeps it in the general, without acquainting us by whom it was given.

The third Demand I have upon the Advocates for the Legitimacy is, That they would instruct that *Robert* and *Elisabeth* were married before the Year 1373, about which Time *Buchanan* had writ that *Euphan Ross* died; but this they have not been able to do. The seven clashing Opinions, about the Year of the Marriage formerly mentioned, abundantly shew that they are at a Loss to instruct the contrary; their Argument is, that a Dispensation was obtain'd; *ergo* upon it they were married. I have denied the Antecedent already, for good Reasons: But for once I shall suppose that a Dispensation was granted; yet it does not follow, *ergo*, they were married; for a Dispensation imports no more than a Removal of the Impediment, and that a Licence was granted them to marry: But does it therefore follow, that they were actually married before the Year 1373. Licences have been obtain'd for Marriage, and the previous Solemnities too of a three-fold Proclamation have been observed, and yet no Marriage followed; nay the Charter, *anno* 1364, makes it out that they had not been married; for the Charter speaking of *Elisabeth*, calls her the late *Elisabeth Muir*, without hinting that she was his Wife; the Charter bears a Power to the Bishop of *Glasgow*, in order to the Marriage, (*supra matrimonio contrahendo*) upon a Condition of founding or endowing two or one Chapel; and none of these having been done, nay not so much as an Obligation granted by *Robert* for that Effect, prior

to

to this Charter; the Condition not being performed, can it be inferred that the Biſhop married them? In fine, it is a Charter that overthrows itſelf, and deſerves no Manner of Regard.

I know that the Advocates for the Legitimacy of *Robert* III. to make the Narration of all our Hiſtorians, of two Lord Regiſters, and two Lion Kings of Arms, appear ridiculous, *viz.* That *Eupham Roſs* was *Robert* the Second's firſt Wife, and *Eliſabeth Muir* his ſecond Wife, repreſent *Eupham Roſs* to have lived many Years after the Year 1373. The *Pariſian* Antiquaries make *Buchanan* to write, that *Eupham* died *anno* 1374, i. e. the 4th Year of *Robert*'s Reign: But they are in a Miſtake; for *Buchanan* expreſly ſays, ſhe died the third Year. Dr. *Mackenzie* (*a*) acquaints us, that ſhe died not till the Year 1387. And Mr. *Ruddiman* (*b*) ſeems to agree with the Doctor; but his Words are not poſitive. He ſays, if we believe the *Continuator* of *Fordun*, the *Carthuſian* Book of *Perth*, the *Extracta de Chron. Scotiæ*, Queen *Eupham* died not the third, but in the 17th Year of *Robert* III. or the Year 1387. Mr. *Ruddiman* ſhould have told us, who this Continuator is; for *Bowmaker*, the moſt conſiderable of all the Continuators of *Fordun*, aſſerts, that ſhe died, *anno* 1373; ſo that *Buchanan* agrees with him: And as for the *Extracta de Chron. Scot.* the Time of her Death is made to be the Year 1384. The Words are theſe, *Walterus Wardlaw, cardinalis et legatus obiit, anno Dom.* 1384. *Euphemia regina Scotiæ obiit eodem anno.* And as to the *Carthuſian* Book of *Perth*, it bears, that *Robert* married *Eliſabeth* after the Death of *Eupham*; the Words of that

(*a*) Hiſt. Vol. 2. p. 103. (*b*) Annot. p. 432. Col. 2.

that Book are, *Sed mortua regina Euphemia, desponsavit præmissam dominem Elisabeth*, i. e. but Queen *Eupham* being dead, he married the foresaid Lady *Elisabeth*. There is nothing more ordinary than the committing of Errors in Figures and Numbers by Transcribers: A remarkable Instance of this appears in the *Extracta de Chron. Scot.* for, tho' in *Fol.* 148, it is said, that *Euphamia* being dead, *Robert* married *Elisabeth*; yet, in the immediately preceeding Leaf, it is said, that *Eupham* died *anno* 1384. Again, in the said *Extracta* it is said in one Place, that *Robert* died *anno* 1390, but in another, *anno* 1380. And now since in Manuscripts such Blunders are committed as to Numbers, is it not surprising, that Mr. *Ruddiman* in several Scores of his Annotations will confront Mr. *Buchanan*'s Dates as to Years by these Manuscripts? This may serve as a sufficient Reply to these Annotations. Again, tho' it is easy to make a Blunder as to Figures and Numbers; yet Transcribers will not so readily commit Escapes, in narrating a Fact. Now all our Historians and their Transcribers, to a Man, agree in this, That *Robert* was first married to *Eupham*, and that after her Death he married *Elisabeth*. But Mr. *Ruddiman* surprises me not a little, in asserting, that the *Extracta* bear that she died, *anno* 1387; when, in the Copy that I have, it is said that she died, *anno* 1384: But, I suppose, I may be relieved of my Surprise, that it is, as Mr. *Ruddiman* says in his Copy, which is another Evidence of the Fallibility of the Pen of Transcribers. Mr. *Ruddiman* (*a*) gives us a high *Encomium* upon this Book; he says, that some call it the Book of *Dumblain*, which since it is

(*a*) Præf. Buch. p. 15. Col. 2.

is compoſed from the Books of Monaſteries, now for the greater Part loſt, and writ in a tolerable good Stile according to the Times, is inferior to none of our ancient Writers, but to be preferred to them all in Point of Chronology: But the Reader will judge, if this Character of the Book can ſtand againſt the foreſaid Remarks I have made on its Dates. I think that Mr. *Ruddiman* ſhould rather give Credit to that Book in the Narration of Facts, when it is ſo common for Tranſcribers to blunder as to Figures. Now, in the Paſſage I cited, *p.* 46. the Author of the *Extracta* ſays expreſly, That the firſt-begotten, of a Whore, was preferred to the Crown before the Queen's own Son. Thus we ſee that the Advocates for the Legitimacy do not agree as to the Time of *Euphan*'s Death; and Mr. *Ruddiman* himſelf ſeems not to give Credit to the Continuator, the *Carthuſian* Book of *Perth*, and the *Extracta*, he is not peremptor and poſitive; for he ſays, *if we believe them*. *Bowmaker*, who was the beſt and moſt able Continuator of all the Continuators of *Fordun*, relates the ſame Thing, concerning the Death of *Euphemia*, which we find in *Buchanan*'s Hiſtory; could our Oppoſers make out this, that *Euphemia* died not for many Years after the Year 1373, they would effectually confute *Buchanan*, and all our Hiſtorians, and others who are of the ſame Mind; but hitherto I have met with nothing that can balance the foreſaid Authorities. There is indeed a Charter, which Mr. *Hay* very artfully ſubjoins to the *Pariſian* Charter, *anno* 1364. and makes the one to ſupport the other (*a*). It is a Charter of *Robert* II. confirming a Charter of *Walter*

(*a*) Vind. p. 46.

Walter Stewart Lord of *Brechin*, granted to *Thomas de Rate*. The Charter confirmed bears, that it is dated at *Scone* in a full Parliament, *October* 19th *anno* 1378, the eighth Year of his Reign; and for the Verification of this Deed, the Seals of the Queen, (*Dominæ noſtræ, Dominæ reginæ*) i. e. of our Miſtreſs the Lady Queen, and the magnificent Lord, Lord *John*, Earl of *Carrick* and Steward of *Scotland*, our Brother, and our own proper Seals are appended. From this Charter Mr. *Hay* argues, and ſays, "That it is one of the moſt "valuable Documents that *Europe* can afford, for "ſupporting his Sentiments, and confuting *Buchanan*'s Dreams: For, if the Foundation made "by *Robert* in the Church of *Glaſgow* ſhews, that "*Eliſabeth Muir* was dead, *anno* 1364, this Con"firmation of the Lands of *Arroch*, proves to a "Demonſtration, that Queen *Eupham* was alive "*anno* 1378, which was five Years after *Bucha*"*nan* puts her in the Grave, and conſequently, "that the Marriage he patches up betwixt *Eliſa*"*beth* and King *Robert*, the third Year of his "Reign, is inconſiſtent with the Truth, and our "Hiſtories, ſince *Eliſabeth* was really dead, and "in the Duſt, *anno* 1364, and therefore could "not have married the King, who was then no "Widower, and that Queen *Eupham* was as yet "alive, *anno* 1378, ſince ſhe appended her Seal "that ſame Year to her Son's Writs, Grants and "Conceſſions." I anſwer, *firſt*, That Mr. *Hay*'s Argument much depends upon the Authenticity of the *Pariſian* Charter; but I have fully ſhown that it is a Forgery. *2dly*, As to this Charter now produced, it is not an Original, it is tranſcribed from we do not know what, and inſerted in the

4th

4th Roll of *Robert* II. and is there the 97th Charter; but ſurely this one Charter by itſelf, cannot diſprove the Narration given by all our Hiſtorians, as to the Time of *Eupham*'s Death; eſpecially, if we conſider, *3dly*, That this *Walter*, *Robert*'s Son by *Eupham Roſs*, was Earl of *Athole* before the Year 1378: For in the Act of Parliament, extending the Entail of the Crown to the Sons of *Eupham*, failing the Sons of *Eliſabeth*, *anno* 1373, on which our Oppoſers greatly depend, he is ſtiled, Earl of *Athole*; and that he ſhould be deſigned by an inferior Title of Honour in this Charter, and be called Lord *Brechin*, (*Dominus de Brechin*) is what I cannot comprehend. *4thly*, A Queen is mentioned, as appending her Seal to this Charter; but ſince it does not inform us, what was her Name, How came Mr. *Hay* to dream, that ſhe was Queen *Eupham*? For the Words in the Charter are general, (*Sigillum Dominæ noſtræ, Dominæ Reginæ*) an Heireſs indeed has Power to grant a Charter for Lands; but that a Lady ſhould be brought to be a Witneſs, or her Seal to verify any Charter, unleſs ſhe was the Granter, which this Queen was not, is a Novelty, and a mere Dream of Mr. *Hay*. According to our Law, a Woman is never admitted to be a Witneſs in any obligatory Deed, Bond or Charter. Beſides, this Charter bears, that it was granted in full Parliament; and now, that the Queen ſhould be brought to that Meeting, to affix her Seal to a Charter, when there is no apparent Neceſſity for it, is very Romantick. *Laſtly*, *John* Earl of *Carrick*, the Son of *Eliſabeth*, is mentioned as appending his Seal to the Charter immediately after the Queen, which if the Charter was not ſpurious, would rather determine

termine me to think, that *Elisabeth* was the Queen that is pointed at.

Hitherto we have nothing that confutes the Sentiment of *Buchanan*, or that shews that *Eupham* lived a good many Years after the Year 1373, but jarring Opinions, and bare unsupported Assertions, that she died this or the other Year, or a third, and the above Charter, which destroys itself.

I have been at due Pains to find out, what Evident can be had, for shewing, that *Eupham* lived a Number of Years longer than 1373. At last, I have fallen upon one among Mr. *Anderson*'s Diplomata, it is the 58 in the Order, I shall conceal none of their Proofs; and because it is a Curiosity, I shall here insert it as I find it.

Indentura inter Euphan reginam Roberti 2di regis Scotie, et Davidem comitem de Stratherne, ex una parte, et Alexandrum Murray de Drumsergath ex altera, anno 1375. *Presens Indentura per modum Alphabeti facta testatur, quod 24to die mensis Novembris, anno Dom.* 1375, *apud Perth inter excellentissimam Dominam, Dominam Euphan, Dei gratia, reginam Scotie, illustrem et nobilem virum et potentem Dominum Davidem comitem Palatinum de Stratherne, et Dominum Catanie ex parte una, et Alexandrum de Moravia de Drumsergath ex altera, in hunc modum extitit concordatum, viz. quod dictus Alexander ducet in uxorem Dominam Jonetam de Monymusk, sororem dicte Domine regine: et predicta Domina regina ac comes fideliter promiserunt facere cum toto consilio suo et auxilio, dictum Alexandrum habere consilium jurisperitorum et advocatorum, sumptibus suis propriis et expensis, pro recuperatione sue hereditatis, secundum quod visum fuit, quod jus habet ad prosecutionem. Insuper concordatum est inter eosdem, quod dicta Domina regina inveniet*

suffici-

sufficientem sustentationem predicte sororis sue ad tempus unius anni vel duorum annorum; preterea concordatum est inter eosdem, quod Walterus de Moravia frater dicti Alexandri, pro voluntatis sue libitu, senioren filiam predicte Domine Jonete habebit in uxorem. In cujus rei testimonium perimplende et fideliter observande, parti hujus indenture dictum Alexandrum remanenti, Sigilla predictorum Domine regine et comitis sunt appensa, parti vero hujus indenture penes predictam Dominam reginam remanenti, Sigillum predicti Alexandri est appensum, actum die, anne et loco supra dictis.

This Indenture indeed bears, that *Euphan* was alive about two Years after the Time that *Buchanan* fixeth for her Death: But it is such a rare and Romantick Piece of Antiquity, that I much question, if its Parallel be any where extant in the whole World. I am not a little surprised, that Mr. *Anderson*, our learned Antiquarian, should have inserted it in his beautiful Book, among the Charters of our Kings, Princes and Nobles; Can any thing disfigure such a noble Performance as this Indenture does? It contains Agreements for no less than two Marriages, and bears, that the Seals of three Persons were appended to it, *viz.* of the Queen, the Earl of *Strathern*, and *Alexander Murray* of *Drumsergath*; and yet the printed Indenture, as Mr. *Anderson* gives it, has but two Seals; this in Part destroys its Credibility. The first Contract or Agreement, in order to a Marriage, is betwixt *Euphan* the most excellent Queen of *Scotland* with her eldest Son, (as our Antagonists call him) the illustrious, noble and powerful Lord, *David* Count *Palatine* of *Strathern*, and Lord of *Caithness* on the one Part; and *Alexander Murray*

of

of *Drumſergath* on the other. This *Alexander* promiſeth, that he ſhall marry Lady *Janet* of *Monymuſk* (a Village, as I am told, ſituated near to the River *Don*) the Queen's Siſter; but there is a diſgraceful Proviſo, which caſts a ſcandalous Aſperſion on the Royal Family, the Queen and her eldeſt Son. It is good that King *Robert* had no Hand in ſuch a ſhameful Bargain: The Proviſo of his marrying this Lady was, that the Queen and the ſaid Earl ſhall aliment, or find a ſufficient Maintenance for her for the Space of a Year or two. She muſt have been a very poor Lady indeed; and this is ſo conſiderable an Affair, that it was not a ſufficient Security for this Maintenance, that the Queen alone, or her eldeſt Son alone ſhould bind for it; but both muſt give their Security, and this *Drumſergath* was to have no Tocher with her at all. It ſeems he was not to take her Home, or that he was not able to maintain her. Fy for Shame, that ſuch a diſgraceful Thing ſhould ſtand upon Record, that is ſo injurious to the Reputation of our Queen and her eldeſt Son. It is further provided, that the ſaid Queen and her eldeſt Son ſhall enable *Alexander*, the intended Husband, to carry on a Law-ſuit for recovering his Inheritance. It ſeems that he was as poor as the Lady *Janet*, he was not able to be at the Charges of the Proſecution, nor ſo much as to pay Lawyers and Advocates for a Conſultation. It ſeems that his Title and Claim to *Drumſergath*, if this was his Inheritance, was doubtful; for it is ſaid, *Secundum quod jus habet ad proſecutionem.* Such an Indenture as this muſt be a Contrivance to expoſe the Royal Family to Ridicule. Is not this a more fabulous Story, than any Thing that *Buchanan* had nar-

narrated concerning *Robert*'s Wives and Children? Can ſuch a Forgery as this merit any Regard for confuting *Buchanan*'s Account of the Time of *Euphan*'s Death? And here, by the Bye, if there is any Thing of Truth here, it ſerves to ſhew, that *Euphan* herſelf was ſo poor, that ſhe was willing to marry *Robert* upon any Terms, tho' he had ſo many Baſtards by *Eliſabeth Muir*. This Indenture contains another intended Match; for it was further agreed between the Queen, with her eldeſt Son, and the ſaid *Alexander Murray*, that his Brother *Walter Murray* ſhall have for his Wife (*habebit in uxorem*) the elder Daughter of the foreſaid Lady *Janet*. It ſeems Lady *Janet* was a Widow well ſtricken in Years, no tempting Match herſelf, being old and poor: But how comes it about, that the Lady *Janet* herſelf does not indent, ſhe being the only Parent in Life. In fine, this Indenture is ſtuft with ſo many groſs Abſurdities and vile Aſperſions upon the Royal Family, that it cannot merit any Credit. As to this Bargain there are no Terms at all mentioned.

The Intention of our Antagoniſts, by the Charters they give us, is to diſprove the Narration given by *Buchanan* and our other Hiſtorians, concerning the Wives and Children of *Robert* II. And this they thinks they do, in regard, 1. That before the Father of this *John* came to direct and guide the Helm of the State, *i. e.* to be advanced to the Throne, this *John* in many Charters is ſtiled *Primogenitus*, or *natu maximus et hæres Roberti Seneſcalli Scotiæ*, *i. e.* the Firſt-begotten or eldeſt Son of *Robert*, Steward of *Scotland*. 2. That *John*, after his Father *Robert* had aſſumed the Government, is named in all publick Writings, eldeſt Son and

lineal Succeſſor to King *Robert*, Earl of *Carrick* and Steward of *Scotland*. 3. That before the Year 1373, *Robert* was married to *Eliſabeth Muir*, and that her Children had Riches and Honours conferred upon them, contrary to what is aſſerted by *Buchanan*. 4. That *John* acted, conſenting and approving Deeds by his Father to his natural Children, for their greater Security.

In this Order I ſhall conſider the Charters; and by obſerving it, our Adverſaries muſt own, that I act a fair and candid Part.

And, as to the *firſt*, the *extracta de Chron. Scot.* uſe a very ſtrong Expreſſion, and by it ſhew the Fallacy of this Argument. The Words are, *Et ſic primogenitus ex concubina præfertur Reginæ filio ſuo ad coronam*, *i. e.* and ſo *Robert*'s firſt-begotten Son by a Concubine was preferred to the Crown before the Queen's own Son. May not one be called the firſt-begotten Son of a Man, tho' he was not begotten in lawful Wedlock. None of the Advocates for the Legitimacy, depend on the Words *Firſt-begotten* or *eldeſt Son*, till Mr. *Hay* wrote his Vindication: All of them own, that *John* was begotten and born out of Marriage, that he and the other Children were Baſtards, till the Diſpenſation was procured; but then they ſay, the Word *Heir* being added to firſt-begotten Son, proves him to be no Baſtard: But the Addition of *Heir* muſt have been after the Marriage, which Mr. *Ruddiman* ſays was *anno* 1349; ſo that tho' he was *Robert*'s firſt-begotten, he was a Baſtard, at leaſt for 14 Years: But whoſe Heir was he, and what was he Heir to, before *Robert* came to the Throne? He was Heir to *Robert*, Steward of *Scotland*, ſo that he was Heir of the Office of High Steward

of

of *Scotland*, and of the Lands and Perquiſites granted for the ſupporting the Dignity and Charges of that high Office, but by no Means Heir of the Crown, till the Act of Parliament 1371, which made him *true* and *lawful Heir* of it: And therefore, in all the *Engliſh* Inſtruments given by Mr. *Rymer*, in his Letter to the Biſhop, and in his *Fœdera*, and adopted by Mr. *Sage*, he is ſaid to be Heir of *Robert* the Steward of *Scotland*. Thus he is ſtiled in the Articles of the great Treaty, for the Deliverance of *David Bruce*, concerted at the Town of *Berwick*, *October* 3d, *anno* 1357, the Ranſom was to be 100,000 Merks *Sterl.* to be paid in the Space of ten Years. In this Treaty, he is ſtiled the Son and Heir of Monſieur *Robert*, Steward of *Scotland*. In *p.* 6th he ſays, there is an Article for the Diſcharge of ſeveral Hoſtages upon the Payments; and, in *p.* 7th, ſeveral Indentures in which he is ſtiled after the ſame Manner; and *p.* 5th he mentions a ſafe Conduct, *anno* 1358, for *John* the Firſt-begotten of the Steward of *Scotland*, his coming into *England*. In the Year 1369, he gives us, *p.* 20. the Truce, concluded between the Kings of *England* and *Scotland*, in *French*; and *p.* 29. the ſame in *Engliſh*, in which he is called *John Stewart* Earl of *Carrick*; but in neither is he deſigned Heir. In *p.* 38. he gives an Obligation by *David Bruce*, dated *London June* 4th 1370, in *French*; and, among the Hoſtages, *John* is ſtiled *Filz et Heir au Seneſchal d' Eſcoce*, and is committed to the Cuſtody of Lord *Piercy*. There is another Inſtrument dated at *Weſtminſter June* 8th, *p.* 44. and another dated at the ſame Place, *June* 13th, both in the Year 1370, in both which he is called Son and Heir of the Steward of *Scot-*

land: All these I shall admit as genuine and authentick; but pray what is it he was Heir of? No other Thing than the Office of the Steward of *Scotland*; and what this was, will appear by the following Description of it given by Mr. *Hay* (*a*). "In *Malcolm MacKenneth*'s Laws the Fees or Honorary amounted to 40 *l.* he had a Power and "Jurisdiction over the Houshold and under Officers, the Clerk of Liveries, the principal Officer of the Kitchen, and other Servants of a "lower Station; he had his Court, wherein all "domestick Affairs were discussed. He was to "serve the King and Queen at Table on all publick Ceremonies and solemn Days, and to "oversee and rule the Houshold: His Jurisdiction was extended over the King's Tables, "Castles and Houshold;--there were many Manours, Shires and Baronies belonging to the "said Office; the Office was hereditary among "us, and was possessed by the undoubted lawful "Heir, since *Walter* the Son of *Allan*, then *John* "Earl of *Carrick* succeeded to that Honour, not "by any particular Charter or Grant, but by the "ordinary Course of Law, whereby the eldest lawful Son succeeds to all the hereditary Employments, which the Father cannot discharge personally, and by himself." Now, pray, what follows from all this? Does it follow, that because one is Heir to an Office that was hereditary in another Family, than the Royal Family, as the Office of Steward was, therefore he was Heir to the Crown? By no Means. *Robert* himself was a long Time Steward of *Scotland* before he came to the Throne: But I challenge our Antagonists to shew where or when he

(*a*) Vind. p. 102---106.

is called Heir to the Crown? Besides, if there was any Heir to the Crown while he was Steward, he himself was the Heir, and not his Son. I think I have now opened up this Matter, and shewn the Fallacy of this Argument; nay, the Earl of *Douglas*, as I shewed in my first Treatise, was Heir to the Crown, when *Robert* II. was Steward of *Scotland*; I shall make this evident from the *Extracta de Chron Scot.* the Words in *Latin* are in the *Append. Num.* 3. Here I shall subjoin them in *English*.

Robert Stewart, Seneschal. (i. e. Steward) of *Scotland*, being to succeed to *David* his Uncle King of *Scotland*; the three Estates being called, did meet at *Linlithgow*, before whom appeared *William* Earl of *Douglas*, with a powerful military Band of Men, alledging, That the Right to the Crown and Succession to the Kingdom does, by the *Cumings* and the *Baliols*, belong to him; *George Dunbar* Earl of *March*, *John* his Brother Earl of *Murray*, *Robert Erskine* Governor of the Castle of *Dumbartoun*, *Edinburgh* and *Strivelyn*, opposed him to his Face; which Controversy, by the Prudence of the three Estates, was sopite, after this Manner, *viz.* That the said *William* should humbly obey, and that his first-begotten Son should have for Wife a Daughter of the said *Robert*; and so the foresaid *Robert* was crowned at *Scoon*, *anno* 1371, with all due Honour. *John*, after the Marriage, was Heir to the Stewardship, and to no more, till the Act of Parliament 1371 made him the *true and lawful Heir of the Crown*. These seven Instruments prove nothing, that is denied; and being added to 88, make 95. But further, to shew that the foresaid Instruments and Charters, in which *John* is called *Robert*'s First-

First-begotten and Heir, before *Robert*'s Accession to the Crown, are of no Manner of Service to the Advocates of the Legitimacy; I shall now draw my Arguments from the famous Act of Parliament, or *Magna Charta*, in favour of *John*, *Robert*'s eldest Son, which the Earl of *Cromarty* (*a*) and Mr. *Hay* (*b*) gives us at full Length: I shall give it in *English* for the Benefit of those who understand not *Latin*; and, in the Appendix, I shall give the *Latin* Act a Place. This *Magna Charta* is certainly genuine; our Adversaries think it makes for them: but my Sentiment is, that it infallibly overthrows their Cause.

The Grand Charter, *anno* 1371.

IN the Name of the holy and undivided Trinity, the Father, Son, and Holy Spirit. Amen.

Upon the 27th of *March*, the Year from the Incarnation of the Lord 1371, according to the Custom and Computation of the Church of *Scotland*.

The most serene Prince Lord *Robert*, the illustrious King of *Scots*, being at *Scoon*, the Time of his Coronation, the Prelates, Earls, Barons, and others of the Clergy and People present, after the sacred Solemnities of his Anointment and Coronation; and the Declaration of Right being made, whereby the same most serene Prince has succeeded, and ought to succeed to Lord *David* King of *Scotland*, his Uncle and Predecessor, as well by Proximity of Blood, as by a certain Declaration made by some Instruments in the Time of Lord *Robert*, King of *Scotland*, of renowned Me-

(*a*) Vind. p. 35---43. (*b*) Vind. p. 15---121.

Memory, the Grandfather and Predeceſſor of our Lord the King, then exhibited and read: And the uſual Oaths of Homage and Fidelity being taken by the ſaid Prelates, Earls, Barons, and others of the Clergy and People there preſent, which of old were due, and uſed to be enacted; being willing, after the Cuſtom and Example of the ſaid good King *Robert*, his Grandfather of famous Memory, to declare his Succeſſor and true Heir, altho' it did, and may clearly appear concerning him, by the full and unanimous Conſent and Aſſent of the ſaid Prelates, Earls, Nobles, and great Men, did ſhew, aſſert, and recognoſce, did declare and will, that whenever it ſhould happen him, by the Divine Providence to depart out of this Life, Lord *John* his firſt-begotten Son, Earl of *Carrick* and Steward of *Scotland*, *ſhall be and ought to be his true lawful Heir*, (the Word, *true*, is left out by the Earl of *Cromarty* in his Tranſlation) *and after his Death, ſhall, by the Divine Diſpoſition ſucceed, and ought to ſucceed, and ſhall ſit, and ought to ſit, upon his Throne.* This Declaration being thus fully made by our Lord the King himſelf, concerning his foreſaid firſt-begotten Son and Heir, as above; every one of the Prelates, Earls, Nobles, great Men, and others then preſent, did one by one, by his own Voice, for himſelf, his Heirs and Succeſſors, aſſert, affirm, declare, recognoſce and will, That the ſaid Lord *John*, after the Death of his foreſaid Father, being to the Fore, and on Life, by the Favour of the Divine Grace, *ſhall be* King of *Scotland*, as the *lawful Heir* of his ſaid Father, each promiſing in good Faith, (or Oath, *bona fide*) and Hand lifted up, as a Sign of making Faith, that he ſhall hold him as King and *lawful*

ful Heir of his ſaid Father, ſhall aid and defend him againſt all deadly; and ſhall likeways affix his Subſcription and Oath for doing this, in Token of his Conſent and Promiſe of the Things foreſaid, when required to do it; which foreſaid Recognition, Promiſe and Oath being given in the Council of our Lord the King, the ſame Lord our King, cauſed to be propoſed publickly, by the venerable Mr. *John Peebles* (*Doctorem Decretorem*) Canon of *Glaſgow* his Clerk, in like Manner as he ſhewed and declared abundantly, that the foreſaid Lord *John* his firſt-begotten Son, is *now his true Heir, and of Right ought to be, and after his Death ſhall be*, God willing, King of *Scotland*. And as the foreſaid Earls, Nobles, and others of the Council affirmed, acknowledged, conſented, and by their Oath interpoſed, did promiſe, as in the Premiſes, and that he cauſed the People with the Clergy to be aſſembled, that in their Preſence, and by their unanimous Conſent it might be publiſhed, that, for the future, none might pretend Ignorance, any Manner of Way. Upon which the whole Multitude of the Prelates, Earls and Barons, and others, both of the Clergy and People, did unanimouſly, and with an univerſal Shout, none reclaiming, affirm, acknowledge, and will, that the ſaid Lord *John*, as the Firſt-begotten and Heir of his Father, our Lord the King ſhall be their King, and with Hands lifted up in Token of their Oath, promiſed, that, God willing, they ſhall hold him as their future King, and aid and defend him to the utmoſt of their Power againſt all deadly. Theſe Things being thus tranſacted, the foreſaid Prelates, Earls and Barons there preſent, appended their Seals to this Writ, for perpetual future Memory,

Monday, for verifying the Premiſſes, with the Seal and Subſcription of the publick Notary underwritten. Theſe Things were acted at the Abbacy of *Scone*, the Month, Day and Year foreſaid.

And I *John Rollo* Clerk of the Diocese of *Murray*, Notary-publick by Apoſtolical Authority, to the foreſaid Publication, Declaration, Affirmation; as alſo the Promiſe and holding up of Hands, and publick Intimation of the foreſaid Mr. *John Peebles*, together with the Venerable Fathers in Chriſt, Lords *William*, *Walter* and *Patrick* Biſhops of the Churches of *St. Andrews*, *Glaſgow* and *Brechin*: And theſe diſcreet Men, Meſſrs. *John de Carrick* Canon of *Glaſgow*, *Walter de Biggar*, Rector of the Church of *Errol*, Chancellor and Chamberlain of *Scotland*: Theſe Noblemen and mighty Lords, *Thomas de Mar*, *William de Douglas* and *Robert Stewart* Earls; *Thomas de Hay* and *William de Keith*, Conſtabulary, and Marſhal of *Scotland*, *Archibald de Douglas*, *James de Douglas*, *Robert de Erskine*, *Alexander de Lindſay*, *Thomas de Erskine*, and *Duncan Wallace*, Barons and Knights: The foreſaid Mr. *John Peebles*, and many other Witneſſes, called and deſired to be Witneſſes to the Premiſſes; *firſt*, In the ſecret Treaſury of our foreſaid Lord the King; next, In his Privy Council, and afterwards in the Parliament, and publickly, as it is ſaid above, before the Multitude of the People, the Year, Day and Month foreſaid, the 9th Year of the Indiction of the Papacy of the moſt holy Father *Gregory* XI. by the Divine Providence, becauſe I was preſent, and knew, ſaw and heard, all and every one of the Things above mentioned, when they were a-doing. This preſent Inſtrument, written by the Hand of another,

I have sealed with my usual Seal, at the Instance of the said Lord *John*, the First-begotten of our Lord the King, Earl of *Carrick*, Steward of *Scotland*, subscribing with my own Hand, being called and desired to testify all the Premisses.

This Charter is certainly authentick. Mr. *Hay* gives such a full Description of it, as every body must be convinced that it is genuine; and I much question, with the Earl of *Cromarty* (*a*), if its Parallel can be shewed in *Europe*. Mr. *Hay* says, The Names of the Lords, and inferior Barons, who were present at this solemn Declaration, are written on the one or other Side of the Labels or Tagues, and several of their Seals are as yet entire and appended to it: There are no less than three Rows with Tagues and Seals, for the most Part, and the Names of those who affixt their Seals. He gives a most full Account in *p.* 117, 118, 119, 120, 121, in a very small Character in *4to*, of this Charter. The Earl of *Cromarty* observes (*b*), "That it gives an irrefragable Proof, that *John*, "afterwards called *Robert*, eldest Son to *Elisabeth* "*Muir*, was in the first Year of his Father's "Reign owned and acknowledged as his eldest "Son and Heir, and undoubted Successor to the "Crown, and that in the Lifetime of Queen *Euphan*, to which her Son-in-Law, the Earl of "*Douglas*, his Seal among others is appended; "and therefore *Elisabeth Muir* his Mother was "lawful Wife to *Robert* Earl of *Strathern*, afterwards King: And consequently it is false, that "these Children were only legitimate, by King "*Robert*'s marrying their Mother after Queen "*Euphan*'s Death, and after the third Year of his "Reign,

(*a*) Vind. p. 43. (*b*) Ibid.

"Reign, and that the Act of Parliament recog-
"nizing *John*, as such, was paſt in the 4th Year
"of the ſaid King's Reign." In this Reaſoning, the Earl falls into ſeveral Miſtakes, if he had his Eye upon *George Buchanan*: For *Buchanan* ſpeaks of the third Year (*tertio ab inito regno*) after *Robert*'s coming to the Throne, and not of the fourth Year. Again, when he ſays, That the King married *Eliſabeth*, he does not poſitively determine the Motive that induced him to marry her: For his Words are, "The King, whether he was induced
"becauſe of his old Acquaintance with *Muir*, (as
"it is reported by many) or that he might legi-
"timate the Sons he had by her, he did marry
"her (*a*)." If *Buchanan* is in an Error, as to the Year of his Marriage with *Eliſabeth*, ſurely the Advocates for the Legitimacy are not all in the right; for, there are no leſs than five or ſix different Years pitcht upon by them to be the Year of the Marriage; nay, I hope to prove, that not one of them is in the right. But of this more afterwards. The Earl's Argument is not concluſive, that becauſe *John* is recognized to be *Robert*'s Heir and Succeſſor, *anno* 1371, that therefore there could not be an Act of Parliament, only recognizing him in the 4th Year of his Reign, unleſs that *Buchanan* had ſaid ſo. But *Buchanan* has not the Word *only*, nor does he ſpeak of the 4th, but of the 3d Year. Now there is an Act of Parliament in the 3d Year of *Robert*'s Reign, as Sir *George Mackenzie* informs us, ratifying that in *anno* 1371, and extending the

(*a*) *Hiſt. p. 143. Rex, ſive conſuetudine vetere Moræ inductus, ſive (quod a multis traditur) ut filios quos ex ea genuerat, legitimos faceret, matrem eorum ſibi matrimonio junxit.*

the Succeſſion to *John*'s Brothers, failing him and his Heirs-male. And Sir *George Mackenzie* in his *London* Edition of his *Jus Regium*, in Page already quoted, ſays, That he found an Act of Parliament dated at *Scoon*, *April* 4th, *anno* 1473, (it is an Error of the Printer, it ſhould be 1373, becauſe of the Words immediately following) and the third Year of the Reign of King *Robert* II. which he ſays was made on Purpoſe to ſecure the Succeſſion, with Conſent of the three Eſtates, to the Sons then born, both of *Eliſabeth Muir* and of *Euphan Roſs*. Now might not *Buchanan* have his Eye to this Act? An Act of Parliament ſecuring the Succeſſion to *Robert*'s Sons is ſufficient to legitimate them: Is it not an uſual Thing for one Parliament to ratify and confirm what has been done by another?

But as to this Act of King and Parliament, *anno* 1371, I am amazed, that the Patrons of the Legitimacy make Uſe of it in Support of their Cauſe, for it deſtroys effectually their Argument taken for proving the Legitimacy in all theſe Charters, of a Date prior to the Year 1371, in which Charters, they ſay, he is often called *hæres*, and becauſe in other Charters he is called *Primogenitus*, or *natu maximus*, *i. e.* the Firſt-begotten, or the eldeſt Son, thro' a wrong underſtanding both of the Words *Primogenitus* and *Hæres*; I ſay, this Charter deſtroys the Senſe they put on the Word *Hæres*, which is the firſt-begotten Son in lawful Wedlock. Now this Act of Parliament plainly ſhews, that he was not ſuch a Son: For the ſtatuting Part of the Act declares and aſſerts, *That he ſhall be, and ought to be, his true and lawful Heir.* Now, if he was his true and lawful Heir before, it is Nonſenſe to ſay, that he ſhall be that which he is already;

And

And is it not hard to charge the Wiſdom of the Nation, as aſſerting Nonſenſe? Now, they having firſt aſſerted and declared, *That he ſhall be, and ought to be, true and lawful Heir*; upon this they aſſert, *That he ſhall ſucceed, and ought to ſucceed, upon the Demiſe of his Father*, and that very juſtly: And after both theſe, *that he ſhall ſit, and ought to ſit, on the Throne of his Father when dead.* This I find was obſerved by Mr. *Rymer* to be Nonſenſe, and therefore, inſtead of tranſlating *erit*, he tranſlates *erat*, was, and contrary to the Act, ſays, that it aſſerts, *He was, and ought to be true and lawful Heir*. The Earl alſo, in his Tranſlation of that Part of the Act, leaves out the Word *true*, which is the *Engliſh* Word for *verus*; for he thought it Nonſenſe, it ſeems, to ſay of *John*, *anno* 1371, that he ſhall be *Robert*'s true Heir, when he had endeavoured to prove, that he had been *Robert*'s true Heir before, and not a Baſtard: But tho' he dropt the Word *true*, in the ſtatutory Part of the Act, he could not get it kept out of that Part, where the King requires the Venerable *John Peebles*, after the paſſing of the Act, that *John* ſhall be his true and lawful Heir, to declare publickly, that Lord *John*, his firſt-begotten Son, is *now his true Heir*, which clearly ſays, that he was not his true Heir before: Thus we ſee, that the Earl and Mr. *Rymer*, by their unfair (I am ſorry, I am obliged to uſe the Expreſſion) Management, impoſe upon their *Engliſh* Readers. Again, the Act not only ſays, declares and aſſerts, that he ſhall be, and ought to be, his true Heir, but the Word *Legitimus* (i. e. *lawful*) is added, it aſſerts, *That* John *ſhall be, and ought to be, his lawful Heir*; and this is explained, by adding the following Words, (which

declare,

declare, that this Act gives him the Right of Succeſſion to the Crown, *viz. That he ſhall ſucceed, and ought to ſucceed; that he ſhall and ought to ſit on the Throne, upon his Father's Demiſe*; ſo that this Act is an Act of Legitimation, in the ſtrongeſt Terms that the Wiſdom of the Nation could invent, or find out. Every body that has the leaſt Knowledge of the *Latin* Tongue, unleſs a perverſe Prejudice doth poſſeſs him, muſt own, that *John* was by a Parliamentary Deed made the true and lawful Heir of the Crown. *Leſly* the Popiſh Biſhop of *Roſs*, ſo underſtood it, his Words are theſe; *Geſt. p.* 249. *Joanni enim (qui poſtea Robertus vocatus eſt) hæredi ſuo, trium ordinum aſſenſione conſtituto, Carrictæ comitatum aliaque ſummi honoris munera abunde contulit*, i. e. *Robert* conferred the Earldom of *Carrick*, and other Gifts of the higheſt Honour upon *John*, (who was afterwards called *Robert* III.) *conſtituted his Heir by the Aſſent of the three Eſtates*. In Charters preceeding this, he is barely called his Firſt-begotten and Heir; but in this he is called his Firſt-begotten, with this Addition, that he ſhall be, and ought to be, his *true and lawful Heir*; and therefore, when the Earl of *Cromarty* (*a*) ſpeaks of forty Charters prior to this calling *John*, *Robert*'s Firſt-begotten and Heir, they ſignify nothing; for *David* his Grand-uncle being alive, *Robert* the Nephew had, by the great Grandfather's Entail of the Crown, even to excluſion of his Daughter, (who had the Proximity of the Blood) declared the Succeſſion, upon the Death of his Uncle *David*, to belong to him. Again, it ſeems that *John*'s Right of Succeſſion was very diſputable, from the great Care and the extra-

(*a*) Vind. p. 44.

extraordinary Pains that have been taken to have it brought about; *First*, This was concerted and managed in the Treasury (*camera*). Next, It is brought to the Privy Council, and then to the Parliament, and in the Parliament it is carried by an unanimous Vote, or with a *nemine contradicente*, for every one of the Prelates, Earls, Barons, (who were, as the Act calls them, *proceres et magnates*) did one by one with his own Voice, *i. e.* his Vote, not only for himself, but (for the greater Security) for his Heirs and Successors assert and declare, That *John shall* be, and ought to be, *Robert's true and lawful Heir*; and it is added, *Others then present*, *viz.* of the Clergy and People; these also are brought into it for the greater Security; and, as if all this were not sufficient, one by one, gives his solemn Oath with uplifted Hands; and finally, every one subscribes and appends his Seal to this Act. Again, all our Antagonists own, that *John* was begoten *extra justas nuptias*, that is, not in lawful Wedlock, Mr. *Hay* of *Drumboot* only being excepted: And now, does not this make it evident, that a Parliamentary Act of Legitimation was necessary? Besides, when *John*, in Charters prior to the Year 1371, is called *Robert's* Heir; this was only to the Office of Steward, and to his private Estate, and to so much of it as he thought fit, which he had as a Subject, (for the *Douglas* justly contended, that he had the Proximity of Blood) for he gave Estates to his other Sons before the foresaid Year; for, as Mr. *Rymer* says (*a*), That, in those Days, the Word *Bastard* was no Bug bear. In my Treatise (*b*), I cited Passages from Mr. *Ruddiman* to the same Pur-

(*a*) Lett. p. 9. (*b*) P. 53.

Purpose. But, as to *John*'s being Heir to the Crown, prior to the Year 1371, that he could not be; for his Father *Robert*, by the Entail, was the immediate Heir, and no other during the Life of King *David*. *Lastly*, The King caused Mr. *John Peebles* read and publish the Act and Charter to all present, whether of the Clergy or Laity, that none might pretend Ignorance, that *John* his first-begotten Son is *now* (*nunc*) his true Heir; and yet, for the greater Security, *John Rollo* Publick-notary must attest, that he knew, saw and heard all that was transacted in Parliament. Mr. *Hay* informs us, that upon the Back of the Act, which he calls a *Manifesto*, the following Words are written, *Declaratio parliamenti, ubi Johannes primogenitus Roberti habet succedere in regno*, i. e. the Declaration of the Parliament, wherein *John*, the first-begotten of *Robert*, has it to succeed in the Kingdom; the Reader will excuse my literal Translation.

I am told, that I have acted an unfair Part, with respect to this Act of Recognition, that I had set down in my Treatise what made for my Purpose, and have left out what made against me; But to shew that I had no bad Intention, I have given the Act itself a Place in the Appendix, and have honestly, and as literally translated it in the Body of my Book as I could, and wish that any Man would point out any thing in the Act that makes against me, which I have omitted; for I cannot divine what it can be, unless it be after the Words, *rex volens*. Now if my Readers will be pleased to cast their Eye upon the *Latin* Act, and my Translation, they will be satisfied that what was left out did not make against me; for the Readers would

would consider, that the Act consists of two Parts, *1st*, The Deed of the Estates; And, *2dly*, the Deed of the King following thereupon; for it is said, that the King willing, after the Custom and Example of good King *Robert* his Grandfather of famous Memory, to declare his Successor and true Heir. This Custom is mentioned in the first Words of the Act, altho' it did, and may clearly appear concerning him, by the full and unanimous Consent and Assent of the said Prelates, Earls, Nobles, and great Men. Now this was done, that the King might declare his Successor. This Consent and Assent had been given in the Treasury, afterwards in the Privy Council, and, *lastly*, in the Parliament: This Consent and Assent, to *John*'s being true and lawful Heir, did appear clearly; and upon this *Robert* the King did shew, assert and recognosce, did declare and will, That whenever it should happen him, by the Divine Providence, to depart out of this Life, that Lord *John* his first-begotten, Earl of *Carrick* and Steward of *Scotland*, *shall be, and ought to be, his true and lawful Heir*. And now, what is in all this? that *Robert*, with the unanimous Consent and Assent of the States, so evident to him, did shew, declare, affirm, recognosce and will, That *John* shall, and ought to be his true and lawful Heir?

The second Thing our Opposers advance for the Confutation of *Buchanan*'s Narration, and that of all our Historians, with respect to the Illegitimacy of *John*, is, that after the Advancement of *Robert* his Father to the Throne, he is called in all publick Writings his eldest Son, his Heir, or lineal Successor, Earl of *Carrick* and Steward of *Scotland*: I answer, That I have clearly demon-

 strated,

ſtrated, that the Legitimacy cannot be inferred from his being called his Firſt-begotten, or Steward of *Scotland*. Again, ſuppoſe the Alledgance were true, that he was deſigned Heir or lineal Succeſſor in all publick Writings, after his Father's Advancement to the Crown, it does not follow that he was his Father's *true and lawful Heir, or lineal Succeſſor*, by lawful Wedlock, but only by the Parliamentary Act of Legitimation, *anno* 1371. Moreover, I am ſure, I have ſeen above thirty or forty publick Writings, wherein *John* is mentioned after the foreſaid Act of Legitimation, and yet in none of theſe is he ſtiled either *Robert*'s Heir, or lineal Succeſſor: Mr. *Hay* gives no leſs than ſix Charters, as making out the ſaid Alledgeance, as that in *p.* 17. and theſe in Pages 23, 24, 32, 95. and 96, but in none of them is he deſigned *Robert*s Heir, or lineal Succeſſor; nay, there was no Occaſion that any Charter ſhould bear it, after the King and Parliament had declared, that he ſhall and ought to be his *true* and *lawful Heir* and *Succeſſor*.

The third Thing advanced for the Confutation of *Buchanan* is, That there are Inſtruments and Evidents that *Robert* was married to *Eliſabeth*, before the Year 1373, and that her Children had Honours and Riches conferred upon them before the ſaid Year. I anſwer, That I have already ſhown, that what is alledged for the firſt of theſe, amounts to no Evidence; and that the Advocates are at the greateſt Uncertainty and Perplexity about the Time of the Marriage, and cannot fix upon any preciſe Year; and that there are no leſs than ſix different Opinions about the Year of the Marriage; and I challenge all that ſhall eſpouſe

their

their Cauſe to give Evidence, that they were married in any one of theſe ſix Years, prior to the Year 1373. Mr. *Hay* demonſtrated, that all of them but his own are as injurious to *Eliſabeth* and her Sons, by aſperſing the Royal Family of *Scotland*, and other Royal Families ſprung from them, as the fixing of the Marriage to 1373, which *Buchanan* does; and then, as to his own, I have ſhown, that it is merely a Conjecture or Dream. As to Honours and Riches conferred upon *Eliſabeth*'s Sons, in *anno* 1373, *Buchanan* ſpeaks of this with great Caution; he ſays, as it is reported by many, (*ut a multis traditur.*) *Leſly* Biſhop of *Roſs* is not ſo cautious as *Buchanan* in this Matter, *Geſt. Scot.* p. 249. *Nam Eliſabetham tam intimis ſenſibus complexus eſt, ut omnes ex illa ſuſceptos liberos inde opimis fundis, illuſtriſſimiſque titulis cumulaverit*, i. e *Robert* loved *Eliſabeth* ſo dearly, that he beſtowed rich Manours upon them, and heaped moſt illuſtrious Titles upon them. Nay *Buchanan* writes upon this Part of the Narration with more Caution, than all our other Hiſtorians; why then ſo great Rage againſt *Buchanan?* Again, tho' *John* is called Earl of *Carrick* in the Truce between *England* and *Scotland*, *anno* 1369, which Mr. *Rymer* gives, *Lett.* p. 29. for I ſhall conceal nothing, yet might not this Title be confirmed by Act of Parliament, and Honours be conferred on his other Sons, and all of them have Riches heaped on them, *anno* 1373. *Robert*'s Children might think it neceſſary to have a Parliamentary Security in their Favour. 4*thly*, The Advocates contend, that there are Charters wherein *John* acted as a Conſenter to, and Approver of Grants made by *Robert* to his natural Children. From this they infer he was no Baſtard him-

himself, for making out this, Mr. *Hay* gives us no less than four Charters of *Robert* to his spurious Children by *Mariota de Cardney*; these, he says, "behoved to be ratified by *John* the undoubted "Heir for their Security, lest they should be de- "prived of them after their Father's Death; and "adds, That *John* Earl of *Carrick* was required, "as Heir, to confirm their Charters by a separate "Patent, naming himself eldest Son to King "*Robert*, which is equivalent to eldest lawful Son, "whilst he calls the Children of *Marion Cardney*, "(in Opposition to him and his Brethren) natural "Sons:" But these Charters shew none of these Things. He gives the first, *p.* 32, 33. to *Alexander Stewart* his Son, by *Mariota de Cardney*, and is dated at *Dundee*, *January* 4th, the 7th Year of his Reign: The second he gives in *p.* 33. and 34. to the same *Alexander*, dated at *Perth*, *January* 14. the 12th Year of his Reign. The third is in *p.* 34. and 35. and it is to *Robert* another Son by *Mariota de Cardney*, dated as the last. The fourth he gives in *p.* 35. and 36. to *James* another Son, by *Mariota*, of the same Date with the two former; but in none of these is *John* so much as named, except in the first, which stiles him among the Witnesses, *Robert*'s First-begotten, Earl of *Carrick* and Steward of *Scotland*; his being a Witness is screwed up by Mr. *Hay* to be a Consenter and Approver, and Conveyer of a Right, but he is neither stiled Heir or lineal Successor; but suppose he had been so stiled, it would signify nothing; for it is a Charter dated six Years after the Parliament, *anno* 1371, had, by their Act, made him *true* and *lawful Heir*, and had determined that he *shall be his Successor*. Now, when this was

done

done by the Parliament, might he not call himself *Robert*'s lawful Heir and Successor, in Opposition to his Brothers, by *Mariota de Cardney*, which yet he does not. Does the marking him as a Witness, give any Security for the Grant of his Father to *Alexander*. In the other three Charters *John* is not so much as named; there are no Witnesses mentioned by Name: And, in the Body of these Charters he is not said to be a Consenter or Approver, or Conveyer of any Right to these three natural Brothers; but to supply this Defect, and to make out the Argument, Mr. *Hay*, immediately after these Charters, very artfully gives us another Charter, which he calls an Original, and which, he says, "he found among the Papers of "Sir *John Hay* of *Bara* and *Lands*, Lord Regi-"ster of *Scotland*, his worthy Grandfather, one "of the greatest Ornaments of his Age:" It is a Charter granted by *Robert* II. to his natural Sons, dated at *Edinburgh*, *June* 21st 1382. This is the most surprising Document for proving a Fact that ever was adduced; for it is in modern *English* and Syllabication, near Three hundred Years before the Birth of his Grandfather, a grand Piece of Antiquity, and yet a very modern Paper. I shall therefore insert it from Mr. *Hay*'s Vindication, *p.* 36, 37.

"*John* eldest Son to the illustrious King of "*Scotland*, Earl of *Carrick*, and Steward of *Scot*-"*land*, *Robert* Earl of *Fife* and *Monteith*, *Alexan*-"*der* Lord *Badenoch*, Sons also to the forenamed "King, greeting in the Lord: Forasmeikleas, "our Lord and Progenitor, King of *Scotland*, has "given several Lands, *viz.* the Lands of *Ratte*, "*Kinfawns*, *Kinclowyn*, *Innerlounnan*, *Lounan*, *Pet*-

"*four*,

"*four*, *Erbintolly*, *Tullybeltin*, *Dulmernock* and *Fortevict*, and Ten Merk Lands, within the Sheriffdom of *Aberdeen*, to his natural Sons begotten on *Marion Cardney*, under certain Conditions and Terms, as is contained in his Charters made to his Sons more fully; Be it kend to all, that we have faithfully promised, by the Tenor of thir present Letters, that as we may, and ought in Justice, we shall maintain and defend them, that they, nor none of them shall sustain any Injury in the Possession of the said Lands, nor Violence, wherethrough they may be hindered to freely use them, and enjoy the samen, notwithstanding of any Estate we may possibly come to. In Witness whereof, we have appended our Seals to thir Presents, to remain with them for their Security. Given at *Edinburgh*, the 21st of *June* 1382. *Ita est per me Dom. Adam Turnbull, Capellanum, et notarium publicum.*"

I have many Reasons for rejecting this Charter: It neither acquaints us of the Name of the King who granted them, tho' it has these Words, *the forenamed King*, when yet he is not named, nor the Names of these Sons to whom they were granted, but only to Sons of *Marion Cardney* in general, nor what Lands were granted to *Alexander*, what to *Robert*, and what to *James*; so that it cannot be known what Lands belonged to each. Again, not only *John* the eldest Son, who was by Act of Parliament declared to be *Robert*'s true and lawful Heir to the Crown, but his two Brothers with him promise to maintain and defend the Father's Grants; but how they come to be brought to give Security, I cannot comprehend: For *John*'s binding

ing for himself and his Heirs was sufficient Security. Further, tho' this is pretended to be an original Charter, yet it is not subscribed by the Granters; and tho' it bears, that the Seals of the Brothers were appended to it, yet Mr. *Hay* does not say that it has Tagues or Seals, as he does concerning several other original Charters; and yet tho' the Charter labours under all these Defects, an ignorant Notary gives his Attestation to it. *Lastly*, *John*, *Robert* and *Alexander* the Granters say, "For "asmeikleas our Lord and Progenitor, King of "*Scotland*, has given, *&c.*" If this King was *Robert* II. (for no other can be meant) Why do they call him their Progenitor? Is an immediate Father anywhere called a Progenitor? Does not the Word *Progenitor* signify a Grandfather or Forefather? But *Robert* was not their Grandfather. *Progenitores*, in the plural Number, signifies Forefathers. Mr. *Ainsworth* in his Dictionary, the best our Island ever had, says, That in the singular Number, Progenitor signifies a Grandfather, and refers to *Ovid Met. Lib.* II. *V.* 319.

Et forti genitore et progenitore tenanti,
Esse satum prodest? ——

Speaking of *Chione* the Daughter of *Dedalion*. Which Passage Mr. *Clark* thus translates, What avails her to have been sprung from a gallant Father, and the Thunderer her Forefather, or Grandfather. These Charters added to 95 make 104, all which do our Antagonists no Manner of Service. They will now observe, that I am making Progress in the Science of Charters. This Charter seems plainly to be a Forgery, it is likely, that some Person friendly to the Cause of our Opposers, observing the four Charters granted to the Sons of

Marjon

Marion Cardney, has drawn up this 5th Charter to make it tallie with them. It was eaſy to borrow the Name of a Notary, and to forge the Atteſtation. Mr. *Hay* ſays, That *Robert* calls theſe Sons of *Mariota de Cardney* his natural Brothers: But tho' it is true, that they were his natural Brothers, yet it is not probable, he was ſo uncivil, as to call them his natural or ſpurious Brothers; this was to preſerve an everlaſting Stigma upon them to all future Generations; and he does not ſo call them.

I ſhall in the next Place proceed to the Examination of other Charters, which are ſaid to be Originals, or to have been tranſcribed from Originals, which yet do our Oppoſers no Manner of Service, but rather confirm the Return made by the Lords of Seſſion to the Houſe of Peers, or an undue Freedom uſed by the Earl of *Cromarty*, in foiſting in Words of his own, which are not to be found in theſe Charters.

The firſt is mentioned by the Earl (*a*), it is a Charter of *Robert* II. to *Allan Lauder* of the Lands of *Whitſled*, dated *June* 13th, the 15th Year of his Reign, in which he ſays, *John* is called *natu maximus Comes de Carrick*. Mr. *Hay* gives us the Charter at full Length (*b*), and ſays, it is the 275 Charter in King *David*'s Book, and the 4th in the firſt Roll of *Robert* II. I call this an Original, for Mr. *Hay*, in his Note at the Foot of the Page, ſays, "That the Original belongs to the much "honoured *Alexander Murray* of *Stanhope*, who "was pleaſed to communicate it to him." He adds, "That it exactly anſwers the Copy found "in the Regiſters, excepting, that after *eſcheatis*, "there is *ſectis curiarum*, that after *Johanne de*

"*Isle*

(*a*) Vind. p. 33. (*b*) Vind. p. 38. 1741.

"*Kyle militis*, there is *Johanne Waleys*, *Roberto de* "*Houston*, *Johanne Tayt*, *Johanne Cady*, *et multis* "*aliis*; that after *in cujus rei testimonium*, there is "*præsenti chartæ nostræ confirmationis*, and that it is "dated *apud St. Andrews decimo die mensis Martii*, "*anno regni nostri secundo*." Now after so many Exceptions and Differences, is it not strange that he should assert, that the Copies agree with the Autograph or Original? The Earl says, it is dated the first Year of *Robert*'s Reign, *June* 13th, but the Original is dated the 2d Year, *March* 10th, as if an Original could be of a Date near a Year posterior to the Date of a Copy. The Earl speaks of this Charter, as it is in the Rolls, and says, it calls *John natu maximus*, but the Original has *primogenitus*. I know not what Authority the Recorder or the Earl had to change the Words of a Charter? The Earl from the Rolls, after *de Carrick*, omits *Senescalli Scotiæ*, but the Original has it; the Earl from the Rolls narrates among the Witnesses, *Robertus de Monteith et Alexander Senescallus filii nostri*. Mr. *Hay*'s Autograph expresseth them thus, *Roberto Comiti de Monteith*, *Alexandro Senescallo*, *militibus*, *filiis nostris carissimis*. This is an Instance, shewing, that little Regard is to be had to these Registers, since in so many Particulars they differ from the Originals, and in others they are repugnant to them; and in this Charter is not designed *Robert*'s Heir. There is a second Charter, which Mr. *Hay* (*a*) says he took from an Original, but he does not acquaint us where he saw it, as he did the former. This Charter may indeed be called an Original, for it is a Charter of *Robert* II. to *John* the Son of *William* and *Christiana* his

(*a*) Vind. p. 41.

his Spouſe, wherein ſome Lands are granted to him, upon Condition of paying to him 300 Carriages of Peats, at his Houſe of *Forfar*: But who this *John* the Son was, and who this *William* was, we are not told, for they have neither Sirname nor Deſignation; without theſe, *John* is an *individuum vagum*, every Man of the Name of *John* might pretend a Right to it: And yet Mr. *Hay* informs us, that it is the 12th Charter of the ſecond Roll of King *Robert* II. Can any Regard be had to this Roll, ſince ſuch a Charter ſhould not have had a Place in any Roll? For, *cui fini*, to what Purpoſe was it tranſcribed into the Regiſter? The King ordered his Seal to be appended to it: But Mr. *Hay* does not acquaint us, as he does with reſpect to ſome other Charters, that it has Tague or Seal.

There is a 3d Charter mentioned by the Earl (*a*), and which Mr. *Hay* (*b*) ſays he took from the Original: It is a Charter of *Robert* II. confirming to *Paul Marktyre* ſome Lands diſponed to him by *William* Earl of *Roſs*. The Charter bears, that the King ordered his Seal to be appended to it: But Mr. *Hay* honeſtly owns, that it has neither Tague nor Seal. The Earl ſays, it is dated *May* 8th, the 2d Year of *Robert*'s Reign, not mentioning the Place where it was granted. Mr. *Hay* ſays it was dated at *Edinburgh*; but tho' the Earl does not mention the Place, yet he is careful to tell us, that in ſpeaking of *John* as a Witneſs, he is deſigned as *Robert*'s Heir, (*et hærede*) but when the Charter is inſpected, theſe Words are not to be found in it. It is not fair in the Earl to impoſe ſo groſly on his Reader, that he might draw an Argument from this Charter: But ſuppoſe theſe Words

(*a*) Vind. p. 34. (*b*) Vind. p. 18.

Words had been in it, they could do him no Service, it being dated after the Act of Parliament 1371, which Act made him true and lawful Heir of the Crown.

4*thly*, The Earl (*a*) ſpeaks of Charters granted to Queen *Eupham* the 2d Year of *Robert*'s Reign, without the Place where, the Month and Day when, they were granted, wherein *John*, as a Witneſs, is deſigned his eldeſt Son (*natu maximus*) and Heir, Earl of *Carrick*. Mr. *Hay* gives us theſe two Charters, in none of which is *John* deſigned Heir: This is the Earl's Addition, which is very unfair. The Charters have the Word *primogenitus*, but the Earl changes it, and ſays it is *natu maximus*. Mr. *Hay* (*b*) gives us one of them, it is a Charter of King *David* to *Robert*, Steward of *Scotland*, and *Eupham* his Spouſe, he ſays, it is from the Autograph, and adds, that it is recorded in King *David*'s Book, *Fol. R.* 51. and is the 253 Charter, granted *anno* 1370; but if it is ſo dated in King *David*'s, the original Charter contradicts it, making the Date to be at *Edinburgh*, *September* 17th, the 41ſt Year of *David*'s Reign: And *David* did not live to the Month of *September*; for Mr. *Ruddiman* on good Grounds aſſerts, that *Robert*, *David*'s Nephew, was crowned *March* 25th, *anno* 1371; this is another Evidence, that no Regard is to be paid to theſe Regiſters. Mr. *Hay* (*c*) gives us the other, which is the 5th original Charter, and ſays, it is a Charter of *Robert* II. to Queen *Eupham* and *David* Earl of *Strathern*, for the Caſtle of *Lochleven* (ſo it is called in the Charter) but the Earl, according to his uſual Freedom with Charters, changes the Name, and calls

(*a*) Vind. p. 34. (*b*) Vind. p. 49. (*c*) Vind. p. 50.

calls it the Caſtle of *Kinroſs*. Both this and the preceeding bear an Order for appending the Seal; But Mr. *Hay* does not ſay, that it has either the one or the other, tho' both Originals have Tague or Seals, and he does not acquaint us, where theſe Originals are repoſited, that we may inſpect them; but there is a very material Objection againſt both, which is, that the Biſhops of *St. Andrews* and *Brechin*, Witneſſes to them, are ſtiled Chancellor, both to King *David* and King *Robert*; (*Willielmo et Patricio, Cancellario noſtro, S. Andreæ et Brechenen. eccleſiarum Epiſcopis*) this I do not well underſtand, that Clergymen of the firſt Rank had the Office of Chancellor in Commiſſion, ſince I learn from ſeveral of Mr. *Hay*'s Charters, that Clergymen of an inferior Order enjoyed it, ſuch as *John de Carrick* a Canon of *Glaſgow*, *p.* 15. *John de Peebles* Archdeacon of *St. Andrews*, *p.* 117. I have conſulted *George Crawford*'s *Lives of the Chancellors of* Scotland; and if his Narration is to be relied on, I obſerve, that from the Year 1327.---1396, this Office was not in Commiſſion, *Walter Twynam* was preferred to it, *anno* 1327, Sir *Thomas de Carnotto*, *anno* 1342, Mr. *William Caldwell*, *anno* 1349, *Patrick* Biſhop of *Brechin*, *anno* 1358, *John de Carrick* Canon of *Glaſgow*, *anno* 1370; *John* Biſhop of *Dunkeld*, *anno* 1377, Mr. *Duncan Petit*, *anno* 1384, *Gilbert* Biſhop of *Aberdeen*, *anno* 1396. All theſe were Chancellors in a Succeſſion. And Mr. *Crawford* in his Preface informs us, that he ſearched all the publick Offices about *Edinburgh*, and all the Libraries with Labour and Diligence: Theſe Charters therefore which ſay, that two Biſhops had the Chancellor's Office in Commiſſion, during the foreſaid Period, muſt be of no Faith;

Faith; and for the ſame Reaſon the Charters, which Mr. *Hay* gives us, *p.* 30. and 60. cannot be ſuſtained as legal Documents.

In theſe two laſt mentioned Charters, when the Witneſſes are mentioned, *John* the Firſt-begotten of *Robert* II. is ſet down below, and after theſe Biſhops. This ſerves to anſwer an Argument advanced by Mr. *Hay* and others of his Party, for proving the Legitimacy of *John*, which is, "That the Privilege of Precedency, and of ſub-"ſcribing all publick Writings before our Peers, "without being quarrelled, notwithſtanding he "was only named to the Dignity of an Earl, "about the latter End of King *David*'s Reign, "and ſo ſhould have been ranked after them in "the Records, and in the Rear in the Rolls." Mr. *Hay* likeways gives us no leſs than ſixteen other Charters, where *John* is mentioned as a Witneſs below and after Biſhops, in the following Pages, 18, 19, 23, 30, 40, 41, 52, 54, 55, 56, 57, 60, 93, 97, 99, 100; nay, after no leſs than three Biſhops, he is mentioned as a Witneſs, *p.* 16, 94. Certainly Biſhops were Peers Spiritual, and made one of the Eſtates of Parliament with Abbots, another dignified Order of Clergymen. But further, I obſerve, that *John*, or *Robert* the Third, is not only mentioned below and after Lords Spiritual in publick Writings, but after Temporal Lords, as in the Truce concluded between *Scotland* and *England*, *anno* 1369, which Mr. *Rymer*, in his firſt *Letter* to the Biſhop of *Carliſle*, gives both in *French* and *Engliſh*; in which *Robert*, the Steward of *Scotland* and Father of *John*, is mentioned as a Party in making the Truce

Truce below and after five Biſhops; and *John* is likeways mentioned after them, and three Temporal Lords, to wit, the Earls of *Mar*, *March* and *Douglas*; this, by the Bye, likeways muſt confute Mr. *Rymer*, who had aſſerted in the ſaid Letter, that *John* had the Precedency of all the Peers in ſubſcribing.

There is a ſixth Charter pretended to be an Original, of which the Earl makes mention (*a*); it is a Charter which *John* did grant, as Lord of *Kyle*, whilſt *Robert* was Earl of *Strathern*, to *John Fullarton* Son of *Adam Fullarton* of *Harperland*, and *Eaſter* and *Weſter Calnes*, in *Kyle-Stewart*; which Charter is confirmed to the ſaid *John Fullarton* by *Robert*, when King, the firſt Year of his Reign; but his Lordſhip gives us neither the confirmed Charter, nor the Charter of Confirmation; nor does he acquaint us where they are to be found. He ſpeaks of no Date to the firſt; and as to the other, tho' he ſays it is dated the firſt Year of *Robert*'s Reign, yet the Place where, the Month and Day when, are wanting in his Lordſhip's Account. I have conſulted Mr. *Hay*'s *Collection*; he ſays (*b*), that it is taken from the Original, and yet he ſpeaks not of any Seal appended to it, tho' in the Charter *Robert*'s Seal is appointed to be appended to it; he ſays, that this Charter is in King *David*'s Book, *Fol.* 5th, and that it is the 298 Charter: It is dated at *Scoon* the 5th of *March*, the ſecond Year of *Robert*'s Reign, and ſo contradicts the Earl's Account, that it was granted the firſt Year of his Reign. In this Charter, tho' *John* is called Stewart of *Scotland*; he is mentioned among the Witneſſes below and after three

(*a*) Vind. p. 51. (*b*) Vind. p. 94.

three Biſhops: Beſides, there is a moſt material Difference between the Earl's Account of the Charter, and the Charter itſelf, as it is inſerted at full Length by Mr. *Hay*; the Earl's Account bears, that *John Fullarton* is Son to *Adam Fullarton* of *Harperland*, *Eaſter* and *Weſter Calnes*: But Mr. *Hay*'s Charter bears, that *John Fullarton* is the Son and Heir of Sir (*militis*) *Adam Fullarton*, of the Lands of *Eaſter* and *Weſter Lathis*, and of the Lands of *Harperland*. Now there is not the leaſt Reſemblance of the Name *Calnes* to *Lathis*. In none of theſe ſix Charters is *John* deſigned either Heir or lineal Succeſſor to *Robert*; to what Purpoſe then are they adduced?

Thus I have examined no leſs than ſix Charters pretended to be Originals by Mr. *Hay*, which he gives us at full Length; they are all, ſave one, mentioned by the Earl of *Cromarty*: Some of them the Earl gives at full Length; and, as to the reſt, his Accounts of them are contrary to the Charters themſelves; and theſe which he gives us at full Length are ſo defective, that neither the one nor the other ſhould be regarded; and if they ſhould be rejected, ſurely thoſe which he barely mentions without Dates, as to Time and Place, we muſt look on them as ſuch as he could not rely on, and that they could not ſtand the Teſt. This muſt confirm an Obſervation made by Mr. *Hay* on the Earl, which is (*a*), "That it is univerſally known, "that the Earl never conſulted the publick Re-"giſters." Mr. *Ruddiman* made the ſame Obſervation on Mr. *Sage* (*b*), and adds, That Care has been taken (I ſuppoſe by himſelf) to conſult the publick Regiſters, where he mentions forty, to prove

(*a*) Vind. p. 113. (*b*) Introd. p. 36, 37.

prove a Probability, and ſays, he has ſeen and read them with his own Eyes; but he has not thought fit to give us ſo much as one of them at full Length; and truly it was needleſs, ſince they are brought to prove a Thing only probable. Mr. *Hay* has acted a moſt fair and honeſt Part, tho' a Papiſt, much above our Proteſtant Antagoniſts; for they, for the moſt Part, give us only Scrapes from Charters; and when theſe are compared with the Charters themſelves, they are found not to agree: This Gentleman ſeems to have been at great Pains in conſulting our Regiſters during this Period, and gives us the moſt diſtinct Account of them that is extant, and of ſeveral Manuſcripts referred to in this Debate. I hope that the Earl of *Cromarty*'s Authority, after what I have advanced, will no more be urged upon us. Now theſe ſix, added to the former 104, make 110, and yet there is not one of them a legal Document of any thing that can eſtabliſh the Legitimacy of *Robert* III. or that *Eliſabeth Muir* was the firſt Wife of *Robert* II.

There are other Charters which Mr. *Hay* ſays are taken from the Originals; the firſt is a Charter of *Robert* II. to *John Beaton* for the Lands of *Balfour*, dated at *Edinburgh May* 18th, the ſeventh Year of his Reign (*a*); the ſecond is a Charter of *Robert* II. for the Barony of *Harber-ſhire*, granted to *William de Douglas*, dated at the Caſtle of *Rotheſay*, *May* 16th, the nineteenth Year of his Reign (*b*). Mr. *Hay* gives a third (*c*), which is a Charter of *Robert* II. to *James Sandilands* for the Barony of *Dallyel* and *Moderwall*, on Condition, that

(*a*) Vind. p. 26. (*b*) Ibid. p. 28. (*c*) Ibid. p. 57.

that he ſhall marry our moſt dear Daughter *Jean*, dated at *Edinburgh* the 20th of *November*, the fourteenth Year of his Reign. Mr. *Hay* gives a fourth Charter of *Robert* II. to the ſaid *James Sandilands* (*a*), granting to him 40 *l. Sterl.* which the ſaid *James* had been owing to the King, dated the Year following, *May* 24th. Mr. *Hay* gives us a fifth (*b*): It is a Charter granted by *John* the Firſt-begotten of *Robert*, Earl of *Carrick* and Steward of *Scotland*, ratifying and confirming ſeveral Grants made by *John Kennedy* of *Dunnonure*, to the Chapel and three Chaplains, near to the Pariſh Church of *Maybole*, dated at the Feaſt of *St. John* the Evangeliſt, *anno* 1371. In theſe five original Charters, I own that *John* is called *Robert*'s Firſt-begotten, Earl of *Carrick* and Steward of *Scotland*; from which nothing can be inferred to prove the Legitimacy of *John*, before the Year 1371, as clearly appears from the many Conſiderations I have already advanced; but in none of theſe is he called *Robert*'s Heir or lineal Succeſſor, as Mr. *Hay* had alledged; theſe being added to the Number 110, make 115, which muſt go with the reſt, as uſeleſs in this Cauſe.

However, we are greatly obliged to Mr. *Hay*, for publiſhing theſe Charters, for few have Acceſs either to the Originals or Regiſters; and becauſe of the Difficulty in reading old Writs, few are at the Pains to conſult them; and now that they are printed in their full Length, which, I ſuppoſe, are the ſtrongeſt Evidences that our Oppoſers could fall upon, for ſhewing the Legitimacy of *Robert* III. the Noiſe about Charters will after this evaniſh with the Wind.

(*a*) Vind. p. 58. (*b*) Ibid. p. 91.

In my firſt Treatiſe, *p.* 94, 95, I made my Remarks on two original Charters publiſhed by *Mabillon*, beſides the Charter, *anno* 1364, Mr. *Hay* alſo gives them, (*a*); the firſt of theſe is a Charter of *Robert* II. after he was King, confirming the Foundation Charter of the Chapel of the bleſſed Virgin *Mary* at *Maybole*, by *John Kennedy* of *Dunnonure*. As to which Charter, I obſerved ſeveral Blunders, which I ſtill affirm to be Blunders, ſee *p.* 94. But when I have reviewed my Remarks, I find I have likeways blundered, as well as the Writer of the Charter. I had obſerved that there are four Seals affixt to the Charter, whereas now I think they are only four different Impreſſions, two Impreſſions of the King's Seal, and two of the Biſhop of *Glaſgow*'s Seal; a Miſtake that one, thro' Inattention, might fall into, not having dealt much in the Science of Charters, Seals and Heraldry. I likeways, thro' the ſame Inattention, fell into a Miſtake, by ſaying, That the Charter ſeemed to be manufactured, becauſe there is firſt a Date the *penult* Day of *November*, *anno* 1371; and a little after, another Date, *viz.* the 4th of *December*, the firſt Year of *Robert*'s Reign; whereas now I am convinced, that there are two Charters, the Foundation Charter, which has the firſt Date, and the Charter of the Confirmation, which has the ſecond, *humanum eſt errare*: But I am ſure I have diſcovered groſſer Blunders committed by the Earl, Sir *George*, Mr. *Sage*, Mr. *Rymer*, and Mr. *Hay*, nay, by Mr. *Ruddiman* himſelf: *Veniam petimus, damuſque viciſſim.* Mr. *Hay*, as to this particular Charter, with reſpect to Seals or Impreſſions, who probably ſaw it, when he was

(*a*) Vind. 87,---92.

was at *Paris*, ſays the Broad-Seal is appended to it; whereas *Mabillon* gives likeways a two-fold Impreſſion of the Seal of the Biſhop of *Glaſgow*. I am told that this original Charter is in the Poſſeſſion of a noble Lord, the right honourable the Earl of *Caſſils*, whoſe Predeceſſors made a conſiderable Figure in that *Æra*: So that it would ſeem that there are ſeveral original Charters of this Mortification; and if ſo, it is certain they differ as to the Seals.

The other Charter I remarked upon in my Treatiſe, *p.* 95, is a Charter of the Earl of *Carrick*, with reſpect to the foreſaid Chapel, it is dated at *Dundonald*, in the Feaſt of St. *John* the Evangeliſt, *anno* 1371; here, thro' Inattention, I conſtructed the Adjective *illuſtris* with *Comes*, not obſerving a Comma before *Comes*; whereas a Comma being before *Comes*, *illuſtris* muſt be conſtructed with *Roberti regis*, and ſo the Adjective *illuſtris* is in the Genitive Caſe. I am not aſhamed, *palinodiam canere*, wherever I have blundered or made a Trip; and if any Perſon ſhall be ſo kind, as to ſhew me wherein I have erred, I ſhall not be contentious, but ſhall moſt readily retract, for I contend not for Victory but Truth. But pray what do theſe two original Charters prove, but that *John* is called in them *primogenitus*, *Comes de Carrick*, *Scotiæ Seneſcallus*, which is nothing at all, as I have clearly ſhown already, and then, in them he is not called *Robert*'s Heir or lineal Succeſſor, which was the Point Mr. *Hay* promiſed to prove. I muſt therefore claſs them with 115, and the Number comes out to be 117. As to the Seal appended to this Charter, it has this Inſcription, *Sigillum Joannis Seneſcalli Domini de Kyle*, i. e. the Seal of *John*

Stewart

Stewart Lord of *Kyle*. I obſerved in my former Treatiſe, that it is very ſtrange that this Seal was appended to the Charter, ſince in the Body of the Charter, he is deſigned by a higher Rank of Nobility, *Comes de Carrick*, *i. e.* Earl of *Carrick*. But I ſhall ſubjoin the Obſervation of the *Pariſian* Antiquaries on it, which they ſay is extant in the Archives of the *Scots* College at *Paris*: Their Obſervation upon it follows, *Huic chartæ appenſum eſt Sigillum ejuſdem Joannis integrum, ex cerâ rubrâ ſuper viridi impreſſum habens faſciam teſſellatam, et in apice, ſive ſuperiori parte ſcuti, leonem naſcentem: porrò Sigillum, quo idem privatus utebatur, faſciam tantum refert teſſellatam, inſignia ſcil. propria privatæ familiæ Seneſchallorum. Sigillum autem, quo in hac charta, patre jam regnante, ipſoque regni hærede uſus eſt, faſciæ teſſellatæ, privatis familiæ inſignibus leonem naſcentem adjunctum repreſentat; hæc erant quippe inſignia, quæ hæredi regni competebant, nempe qui leonem, Gentilitiam regni teſſeram, familiæ propriæ inſignibus adjungebat.* Mr. *Sage* ſays (*a*), That the Publiſher tells us, that beſides the private Arms of the *Stewarts*, a Lion beginning to appear (*leonem naſcentem*) in the upper Part of the Shield, is an Addition, which in ancient Times was peculiar to the Heir of the Kingdom. This indeed the Publiſher tells us; but then, if the adjoining a Lion, beginning to appear to the upper Part of the Shield, be peculiar to the Heir of the Family, Why is the Inſcription, *the Seal of* John Stewart *Lord of* Kyle? Is this his Title *qua* Heir of the Crown? Do not the *Pariſian* Antiquaries, and Mr. *Sage* too, cut the Throat of their own Cauſe by this Diſtinction of Seals? Does not this at once make a Conceſſion to me of the Senſe

(*a*) Introd. p. 39.

ſenſe of the Words, *Heir of* Robert II. *Steward of* Scotland, found in many Inſtruments before *Robert*'s Acceſſion to the Crown? Which Senſe, as I ſtated it in p. 103, &c. was, that he was Heir to *Robert qua* Steward of *Scotland*, or of the Office of Steward of *Scotland*, and of the Fees belonging to it. Do not the Antiquaries ſpeak of the Arms (*inſignia*) peculiar to the private Family of the *Stewarts*, and of *John*, which he uſed as a Son of that Family? (*quo privatus utebatur*) The Antiquaries ſay, That the Seal of the Family of the *Stewarts*, and particularly of *John*, bears only a *faſcia teſſellata*. But then his Seal, when he came to be Heir of the Crown, and when his Father came to the Crown, (*patre jam regnante*) had joined to the *faſcia teſſellata*, (*leonem naſcentem in ſuperiore parte ſcuti*) *i. e.* as Mr. *Sage* tranſlates it, a Lion beginning to appear on the upper Part of the Shield.

There are ſtill ſome other Charters to be taken under my Review, namely, ſuch as are only Tranſcripts, which ſurely can do our Oppoſers no Manner of Service, ſince it is evident, that original Charters come not up to their Expectation. The firſt, under this general Head, is adduced by the Earl of *Cromarty* (*a*) he ſays, That *Robert*, Steward of *Scotland*, Earl of *Strathern*, and *John Stewart* his Firſt-begotten and Heir, confirm a Mortification made by *Reginaldus More*, Father of Sir *William More*, to the Abbacy of *Paiſly*, recorded in their Regiſter, (that is, the Chartulary of *Paiſly*). The Earl ſays the Charter is long, and that he has only abſtracted out of it what is uſeful to his Purpoſe. The Earl ingenuouſly owns, that it has no Date as to Place, Year, Month and Day; but for this Reaſon, it ſhould not have had

(*a*) Vind. p. 44. 45.

had a Place in any publick Regiſter: It ſhews the Ignorance of the Recorder, and that his Lordſhip, uſing it as an Evidence in this Controverſy, notwithſtanding his boaſting of Charters by Scores, is exceedingly ſtraitened for Proof. Mr. *Hay* likeways gives this Charter in his Vindication, *p.* 10.—13. without all Manner of Date. Now ſince in this Charter he is called *Robert*'s Heir, I ask, But when was it he was ſo called? The Charter cannot help our Oppoſers, if it was after the Year 1371. He was made and declared Heir to the Crown by Act of Parliament; if it was before his Father's Acceſſion, he was Heir to him as Steward of *Scotland*, and ſo he is deſigned in the Charter: If there was an Heir at this Time, *Robert* himſelf, and not his Son, was Heir of the Crown. The Earl informs us, that this Charter confirms a Writing made by *Reginald More*, *anno* 1320: But neither the Earl's Abſtract, nor Mr. *Hay*'s Tranſcript of the whole Charter mention a Writing dated *anno* 1320. It has the Word *Dudum*; but what Authority had the Earl to make *Dudum* to ſignify the Year 1320.

The Earl gives us a 2d Charter from the Chartulary of *Paiſly* (*a*). It is a Charter of *Robert*, Steward of *Scotland*, confirming all Gifts of his Predeceſſors, and his own to the Abbacy of *Paiſly*. He ſays, *p.* 49, that it is dated in the Year 1361, in the 20th (in Figures) of *July*; but in the Body of the Charter the Day is at Length and not in Figures, *ſecundo die Julii*. But as Mr. *Hay* tranſcribes the Charter (*b*), it is dated at Length, *viceſimo die menſis Julii*. And Mr. *Ruddiman* commends him for being *diligens ſcrutator*. But the Earl's

(*a*) Vind. p. 49, 50. (*b*) Ibid. p. 10.

Earl's and Mr. *Hay*'s Copies differ exceedingly: For the Earl's Copy, after the Words *eluceſcat intentio*, wants the following Lines which are in Mr. *Hay*'s, *ac Bracbii violentia ſecularis in perſequendo, ac Cartas eorundem virorum religioſorum ſiniſtro eventu exponendo, tempora non diſtinguendo, deſiſtat et tabeſcat, prænominatis viris religioſis in puram et perpetuam Eleemoſynam.* Again, among the Witneſſes, the Earl's has *Gulielmus de Balcasky*, but in Mr. *Hay*'s it is *Joannes de Balcasky*; this is a Proof, that little Regard ſhould be had to theſe Tranſcripts. In this Charter *John* is called Heir of *Robert*, Steward of *Scotland*; and ſo he was, for *John* is called *Dominus de Kyle*: As Lord of *Kyle*, he was Heir to *Robert*, *qua Seneſcallus Scotiæ.*

As to the great Differences in Regiſters, in Originals and Tranſcripts, which I have obſerved all along as to Dates, this ſhews, that Mr. *Ruddiman* did not proceed on a juſt Ground, when he in his Annotations quarrels *Buchanan* for his Dates in many Places. And in his Preface (*a*), he charges *Buchanan* very ſeverely, as to his Chronology, *Nos vero eam partem ab hiſtoricis noſtris, et a nullo fere magis (quod dolentes referimus) quam a Buchanano, aut plerumque neglectam, aut miſere involutam, aut denique inſignibus erroribus deformatam reperiemus*, *i. e.* the Chronology is for the moſt Part neglected, wretchedly perplexed, and in fine diſfigured with manifeſt Errors by our Hiſtorians, and with Concern, he finds it by none more than by *Buchanan*: But I am able to ſupport *Buchanan*'s Chronology in moſt of the Places quarrelled by him, by the beſt Authorities: And from what I have obſerved concerning our Regiſters, on which Mr. *Ruddiman* and others

(*a*) P. 17. Col. 1.

others of his Party greatly rely, particularly *Codex Davidis* and the Rolls of *Robert* II. it must now appear, by their contradicting original Charters, that they merit little Regard. The Chartulary of *Paisly* is miserably perplexed, as will appear from a Paper recorded in the Register of *Paisly*, in which the Earl says (*a*), that *John* was reputed and known to be eldest Son and Heir of *Robert*, Steward of *Scotland*; and albeit "it wants a Date, which since "it confirms a Writing made by *Reginald Muir*, "*anno* 1320, and it is registrated shortly after "the Registration of the same Writing, there is "no reason to doubt, that it was made long be-"fore he was King." On this I made some Remarks, *p.* 125, 126; but since it wants a Date, it must be rejected, as good for nothing; and surely his foresaid Reasoning upon it, can never supply this Defect, and the putting it in the Register, (of which he acquaints us) *Feb.* 13. *anno* 1328, plainly shews, that it is wretchedly involved and disfigured; for *Robert* was not married so soon: The soonest that any make his Marriage to have been is the Year 1334, which is Mr. *Hay*'s Sentiment, and consequently *John* could not be born for many Years after the Year 1328. I am amazed, that his Lordship was not ashamed to make any Use of such a Charter. Mr. *Hay* informs me (*b*), "That the Chartulary of *Paisly*, extant in his Li-"brary, contains the several Deeds granted to "that Monastry from the first Foundation to "Queen *Mary*'s Time, that it is a large *Folio*, "writ in Paper in glorious Characters, that my "Lord *Dundonald* hath a Copy of it in *4to*; yet "not so full and ample as his, transcribed a little "before

(*a*) Vind. p. 45.---49. (*b*) Vind. p. 9.

"before the Reformation." But since it is transcribed into that Register so many years after the Year 1328, and bears, that *John* is *Robert's* First-begotten and Heir, it must merit no Regard, for *John* was not then born: Can it prove one not in Being to be an Heir? According to the Chronological Table of the *Parisian* Antiquaries, which they say is *secundum historiæ veritatem*, *Robert* the Father was not born till *anno* 1315, so that it follows by this Computation, that *Robert* was married *anno* 1327, and so must have begotten his Son *John*, when he was but 12 Years of Age.

The Earl mentions a 3d Charter, confirming to *John Kennedy* one Half of the Barony of *Dalrymple*, he says (*a*), that it is dated the 28th Day of *May*, the first Year of his Reign, that the Witnesses are the Bishops of *St. Andrews* and *Dunkelden*, and *John* his First-begotten and Heir, Earl of *Carrick*. Mr. *Hay* of *Drumboote* gives us the Charter itself at full Length, the Earl mentions not the Place where the Charter was granted. Mr *Hay* says (*b*), it was granted at *Scoon*. The Earl says it was granted the 28th of *May*: But Mr. *Hay* fixeth the Date to the penult Day of *May*. The Earl speaks of two Bishops Witnesses to it before *John*: But Mr. *Hay* names three Bishops: The Earl says, That it calls *John Robert's* Heir: But Mr. *Hay's* has not the Word *hæres*. Mr. *Hay* says it is taken from King *David's* Book, *Fol. R. 57.* I observe, that King *Robert's* 2d Son, *viz. Robert* Earl of *Monteith*, is named a Witness after the Earls of *Mar* and *Douglas*. This confirms an Observation I have already made concerning the mentioning of *John* the eldest Son after three Earls.

(*a*) Vind. p. 39. (*b*) Ibid. p. 15, 16. (*c*) P. 16, 17.

Mr. *Hay* (*a*) gives us another Charter of King *Robert* II. to *John Kennedy* foresaid, for the other Half of the Barony of *Dalrymple*, dated at *Strivelin December* 3. the seventh Year of his Reign; and as the former does not call *John Robert*'s Heir, so neither does this.

The Earl gives another Charter (*b*); it is a Charter of *Robert* Steward of *Scotland*, with the Assent and Consent of his beloved first-begotten Son and Heir *John Stewart* Earl of *Carrick*, confirming to *Allan Lauder*, his Tenant of *Whitsleds*, several Lands therein mentioned, given at *Renfrew*; but the Year and Month are wanting: Besides, it is not told us, whether it is an Original, or whether he had it from any Register. Mr. *Hay*, who has perus'ed *David*'s Book, and *Robert*'s Rolls, takes no Notice of it, which makes me think it is not in them: Besides, it being only a Charter, with the Assent and Consent of *John*, who was but one Heir, it is overthrown by the following Clause, *Nos vero, Robertus Senescallus Scotiæ, et hæredes nostri prædicti*, in the plural Number; but none are set down in the Charter save *John*.

We have a fifth adduced by the Earl (*c*); it is a Charter granting and confirming the Lands of *Rowallan*, to Sir *Adam Muir* of *Rowallan*, and erecting them and others into one free Barony, by *Robert* II. but I cannot comprehend for what End this Charter is adduced; for, in it there is not the least mention made of his Son *John*, unless it be to prove the Impediment of Marriage with *Elisabeth Muir*, taken from the forbidden Degree of Consanguinity, because her Father is called his Kinsman, *consanguineus*: But I have shewed in my first Trea-

(*a*) Vind. p. 16, 17. (*b*) P. 50, 51. (*c*) P. 67, 68.

Treatise, and in this, that this is given to Persons, who are not Blood-relation. These five Charters must go with the former 115, and makes the round Number 120. Being informed, I might learn something from the Tree of the Family of *Rowallan*, that would give some Light to this Affair: I was careful to procure a Copy of what it says concerning *Robert*'s Marriage with *Elisabeth*, and their Sons. It is as follows, the first King of the Name of *Stewart* was *Robert* II. who married Dame *Elisabeth Muir*, Daughter to Sir *Adam Muir* of *Rowallan*, by whom he had *John*, afterwards King of *Scotland*, by the Name of King *Robert* III. *Robert* Earl of *Monteith*, and Duke of *Albany*, *Alexander* of *Badenoch*, and Earl of *Buchan*, *Walter* Earl of *Fife*: But tho' this fourth Son is mentioned by one of our Chronicles, yet our Historians speak nothing of him; however, if there was a fourth Son, this serves to justify Mr. *Hay*'s Computation as to the Time of the Marriage, which he, to save them from the Imputation of Bastardy, makes to have been, *anno* 1334.

I judged it necessary to examine such a vast Number of Charters, because our Opposers lay their great Stress upon them, finding, that our Historians, our Lord Registers, and our Lord Lyons Kings at Arms, are all, to a Man, against them; for, if I had omitted any of their Charters, they might have alledged I had designedly suppress them: I have been searching for more, if I could find them in Dr. *Mackenzie*'s Lives, and Dr. *Abercrombie*'s *Martial Atchievements*. Dr. *Mackenzie* mentions several Charters for proving the Legitimacy; but he borrows from Lord *Cromarty*, Sir *George Mackenzie*, and others who wrote

he-

before him: There is one he speaks of, which I had not met with before (*a*); it is a Charter of *David* Earl of *Strathern*, for the Lands of *Badyrule*, to *John de Maxwell* Knight, dated the 10th of *May*, *anno* 1372. This Charter, he says, was disponed to Sir *Bernard Haldane*, Predeceſſor to the Laird of *Gleneagles*, and is ſtill in the Cuſtody of *John Haldane* of *Gleneagles*, bearing, That *John* Earl of *Carrick*, great Steward of *Scotland*, eldeſt Son to our Sovereign Lord the King, is a Witneſs to it: The Granter (ſays Mr. *Hay*) was eldeſt Son to Queen *Eupham Roſs*; this I have diſproved by the Authorities of *Bowmaker*, the *Extractæ de Chron. Scot.* Sir *David Lindſay* and others, whoſe Authority muſt ſtand good, till ſome ſhall give us the *Latin* Act of Parliament, which Sir *George Mackenzie* promiſed, but never performed, nor any for him. I am at a Loſs to find out, how this Charter can be any Proof of the Legitimacy of this *John*. Dr. *Abercrombie* (*b*) would make up an Argument after this Manner: "It is "obſervable, *ſays he*, that *John*, who was eldeſt "Son to our Sovereign Lord the King, is a Wit-"neſs to this Charter, which ſhows, that he was by "*David*, the eldeſt Son of Queen *Eupham*, ac-"knowledged the eldeſt Son of the King." But, as I have upon good Authority demed, that *David* was the eldeſt Son of *Eupham*; ſo he could do no otherways, when the Parliament had declared, that *John* ſhall be true and lawful Heir to the Crown: The Doctor, notwithſtanding owns, that the obtaining a Diſpenſation to marry *Elizabeth Muir*, was a ſufficient Ground for a deſigning Uſur-

(*a*) Lives, Vol. 1. p. 105. (*b*) Mart. Atchiev. Vol. 2. p. 157.

Usurper, (he means *Walter* Earl of *Athole*) the Murderer of King *James* I. to give out, some 50 or 60 Years afterwards, that the Children of the first Marriage were not lawful.

Dr. *Abercrombie* says (*a*), he has seen a Charter in the Custody of his Grace the Duke of *Gordon*, and another in the Custody of Lord *Saltoun*, in which *John*, Son and Heir of the great Steward, is a Witness; but he does not tell us what Dates they had; he says that they bear, That *John* was Heir to the great Steward: This is owned, and has been explained at great Length in the preceding Pages.

The CONCLUSION.

I Said in the Introduction, that being appriſed of Mr. *Ruddiman*'s Intention of making a Reply to my firſt Treatiſe on Government; I would in this, which is a Continuation of the former, give him a full View of what I have to ſay againſt the pretended hereditary Right to the Crown of *Scotland*, in a ſtrict Senſe.

In Conſequence of this I deſired the Publiſher, after my firſt Sheet was caſt off the Preſs, to ſend it, with my Compliments to him, and to do in like Manner with the following Sheets, till he ſhould have the whole Performance. Hereby I have laid myſelf open; but having acted ſuch a candid, but uncommon Part, he has all Advantages, *veritas non quærit latebras*, and I contend not for Victory, but for Truth.

As yet I have not heard from Mr. *Ruddiman* himſelf; nor have I received one Sheet of a Reply,

(*a*) Mart. Atheniæ. Vol. 2. p. 150.

ply, tho' his was in the Press before this; but I make no Question of having the Favour of a Present with the first.

An hereditary indefeasible Succession of Kings has never actually taken Place in any one Kingdom of the Universe: It is an Chimera, having only an ideal Existence in the irregular Imaginations of a Party, who are for supporting the unlimited and arbitrary Power of the Prince. This Succession in Monarchy can no more be proved, than that of the Hierarchy, or of Popes from St. *Peter*, (absurdly called the first Pope of *Rome*) down to his present Holiness, is proved by the learned *Italian* Antiquaries.

I have, in my first Treatise, shewed this irrefragably as to the Kingdom of *Scotland:* Some have wisht, that I had done the same, with respect to the Kingdom of *England*; but this I expected would have been done by some able Hand in *South-Britain*, at this Juncture; and since it has not been done by any that I know, I shall do it in a few Words.

In the thirteeenth Year of Queen *Elisabeth*, *Cap.* 1. a Law was past, making it High Treason, for any Person, during the Queen's Life, to affirm, That the Queen and Parliament could not alter the Succession; it makes it a Forfeiture of Goods and Chattels for any Person, after her Decease, to assert the same. And now, that I may shew, how well founded they were in making this Constitution, I shall not do it from any Observations that I have made from the *English* Historians, but from these that are made to my Hand by Mr. *Rapin de Thoyras*, as translated into *English* by *N. Tindal*, who cannot be suspected of Partiality in this Affair. I shall give the Passage as it is in

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the *London* Edition in *Fol. anno* 1743 (*a*). "King "*James* believed he was come to the Crown of "*England* ſolely by hereditary Right, and could "not bear it ſhould be thought he was obliged to "Queen *Eliſabeth*, or that his Title proceeded from "any Act of Parliament. If this had been only a "ſpeculative Notion, it would not much have di-"ſturbed the *Engliſh*; but he drew from this Prin-"ciple terrible Conſequences, tending to no leſs "than arbitrary Power, and, of Courſe, to the Sub-"verſion of the *Engliſh* Conſtitution. From his be-"ing King by hereditary Right, he inferred, that "his Will ought to be the ſole Rule of the Go-"vernment; and conſidered, as undeniable Truths, "all the wild Aſſertions of certain Writers con-"cerning the Regal Power. This pretended here-"ditary Right, with its Conſequences, were the "Fountain of the Diviſions, which began in his "Reign between the King and Parliament, and "which continued during the three following Reigns. "This alſo gave Birth to the *Tory* and *Whig* Facti-"ons, who worry one another to this very Day. "It is requiſite therefore, for the Reader's Infor-"mation, to obſerve, before we proceed, that this "hereditary Right, by which *James* I. pretended "to reign, was not ſo indiſputable, as he then did, "and as many ſtill do, imagine it.

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(*a*) Vol. 2. p. 160. Col. 2.

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(*a*) Vol. 2. p. 160. Col. 2.

third Place, More Kings, ſince the Conqueſt, "have mounted the Throne, by virtue of Acts of "Parliament, or ſome other Means, than by hereditary "tary Right, the four firſt eſpecially, namely, *William* the Conqueror, *William Rufus*, *Henry* I. and "*Stephen*, moſt certainly, came not to the Crown "by this Right. When was it then that it became "hereditary? It is their Buſineſs, who maintain this "Opinion, to point out the Time. In the *fourth* Place, "Of all the Kings, from *William* the Conqueror to "*James* I. there was not one who had leſs Right to "the Crown, than *Henry* VII. before he was con-"firmed by the Parliament. *Laſtly*, If ſome Inſtances "be produced of Kings, ſucceeding from Father to "Son; and if from thence it be inferred it was by "hereditary Right, it will alſo be eaſy to ſhew, that "this Right vaniſhes, when traced to the Source: "For Example, if it be ſuppoſed, that *Eliſabeth*, "*Mary*, *Edward* VI. and *Henry* VIII. came to the "Crown by hereditary Right, tho' there would be "much to be ſaid concerning the two Queens, the "Fountain of this Right ſprings from *Henry* VII. "who was Heir neither by the Houſe of *York*, nor "the Houſe of *Lancaſter*. *Henry* VI. and *Henry* V. "ſucceeded from Father to Son to *Henry* IV. "who was not the next Heir of *Richard* II. *Ed-"ward* III. could not ſucceed *Edward* II. his Fa-"ther was yet alive, by hereditary Right. *Ed-"ward* II. *Edward* I. and *Henry* III. form the longeſt "hereditary Succeſſion, from Father to Son, that "occurs in the *Engliſh* Hiſtory; but they derived "their Right from *John Lackland*, who certainly "was not *Richard* I's next Heir. I paſs over the "former Kings, becauſe the Thing is too evident "to need any farther Explication. Thus, of 23

"Kings,

"Kings, from the Conqueſt to *James* I. above one "Half at leaſt did not aſcend the Throne by here-"ditary Right. As for thoſe who ſucceeded from "Father to Son, and may be ſuppoſed to have "reigned by hereditary Right, they could ſupport "their heeeditary Right of Succeſſion only by Acts "of Parliament, adjudging the Crown to ſome one "of their Anceſtors, contrary to hereditary Right. "How then can the heraditary Succeſſion of the "Crown of *England* be indiſputably eſtabliſhed?"

In Purſuance to the forecited Law, in the Reign of Queen *Anne*, the Succeſſion to the Crown of *Great Britain* was ſettled in a Parliamentary Way upon the Houſe of *Hanover*, in Default of Iſſue of Queen *Anne*'s Body, and an Abjuration of the Pretender was enacted. The ſaid Law is left out in the late Editions of the Acts of Parliament, and a partial Abridgment put in its Place; Nothing of the Penalty upon theſe, who ſhall affirm, that the Sovereign for the Time being, and his or her Parliament cannot limit the Succeſſion. Strange! when this Law was never repealed: It would ſeem, that in the Reign of *James* I. they endeavoured to ſink the Memory of this; but did not think it proper directly to repeal it.

I know that in the Statute of Recognition of King *James* I. the three Eſtates devote their own Blood, and the Blood of their Heirs, to maintain the lineal Succeſſion in the Family of the *Stewarts*, deſcending from that Prince, againſt all Oppoſers whatſoever: But does this hinder any Prince deſcending from that King, and poſſeſſed of the Crown by Virtue of that lineal Deſcent, from making Uſe of that Authority, with which he is veſted by Laws antecedent to that Act? No, by

this Recognition they only intended to bar all Pretenſions which any body elſe may have to the Crown, by Virtue of *Henry* VIII's Will, or any other Title; and they engaged themſelves and their Heirs to ſtand by him and his Poſterity, claiming by a lineal Deſcent, againſt any Pretender, claiming by any other Title. Queen *Anne* did enjoy her Crown by Virtue of that lineal Deſcent; and did not ſhe and her Parliament limit the Succeſſion to the Crown to the Grand Daughter of King *James* VI. and to the Heirs of her Body being Proteſtants; ſhe and they had, by the foreſaid Conſtitution, a Power to do this. The celebrated Author of a Diſſertation upon Parties, dedicated to the Right Honourable Sir *Robert Walpole*, 5th Edition, *p.* 96, 97, 98, owns, that the Declarations made in the Act of Recognition of King *James* I. in favour of hereditary Right, are no doubt as ſtrong as Words can frame:--- From hence, ſays he, it is concluded, that ſince the Vows and Acts of Fathers---bind their Poſterity,--this Act, till the Society hath revoked it lawfully, lays the ſame Obligation on every Member of the Society, as if he had perſonally conſented to it.--- If this Act then was lawfully revoked or repealed, another novel Law, contrary to it, might be made equally binding; but neither this Act, nor the Act of the 12th of *Charles* II. affirming the Crown to appertain by juſt and undoubted Right to the King, his Heirs and lawful Succeſſors, having been expreſly repealed, we ſtill ly under the ſame Obligations, and every Settlement contrary to them, and by conſequence the Settlement made at the Revolution is unlawful. Thus he has propoſed the Argument with all its Strength. He

makes

makes the following Anſwer, which I deſpair of ſeeing repelled by our *Jacobites*. Now, ſays he, I ask, Was not the Will of *Henry* VIII. which excluded the whole *Scottiſh* Line, made in Purſuance, and by the Authority of an Act paſſed in the 25th Year of his Reign? Hath not this Author (*i. e.* of a Book in favour of hereditary Right) juſtified the Validity of this Will much to his own Satisfaction, and, I believe, to that of his Readers? Was this Will lawfully revoked? Was this Statute expreſly repealed? I ask farther, Whether hereditary Right, and the Obligations of Subjects to it, could be made immutable and eternal, as this Author affirms, that they were by the Act of Recognition, without a manifeſt Contradiction to the Act of Queen *Eliſabeth*, which declares the Power of Parliament to limit and bind the Succeſſion to the Crown? Was this Act expreſly repealed, that King *James* I. ſucceeded lawfully againſt Law? Our Author is fond to maintain, and the Propoſition is not unlike that of ſome Popiſh Caſuiſts, who aſſert that his Holineſs, *jure poteſt contra jus decernere*, *i. e.* can decree rightfully againſt Right; but if theſe Queſtions are fairly anſwered, it will reſult from ſuch Anſwers, and from the Arguments I have quoted, that this novel Law, this modern Conſtitution is a mere Illuſion, that it never bound any Member of the Society, and that the Parliament had as much Right to make the Settlement in 1688, notwithſtanding the Act of Recognition, as the Parliament had to make this Act 1603, notwithſtanding the two Acts I have mentioned, and the Will of *Henry* VIII. made by Virtue of the firſt of them.

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If this Act of Recognition be urged as a Law, which had the Aſſent of a King, in Oppoſition to the Proceedings of the Convention, by which King *William* and Queen *Mary* were raiſed to the Throne. His Anſwer is, That the Circumſtances of the two Caſes are very different; but when they come to be weighed in a fair Balance, thoſe which attended the Settlement of the Crown in the Revolution, will be found at leaſt as conformable to Reaſon, to Law, and to Practice, as thoſe which attended the Eſtabliſhment of the *Stewart* Family. Queen *Eliſabeth* deſigned King *James* I. to be her Succeſſor, and the Nation concurred to make him ſo; neither ſhe nor they paid any Regard to the Law which ſtood in his Way.—And on the ſame Authority we may conclude certainly, that they would not have acted in this Manner, if King *James* had been like his Mother, a profeſſed Papiſt. Thus he got himſelf into the Throne, and when he was there, he got, like other Kings, ſuch a Title, as he choſe to ſtand upon, agnized or recognized by his Parliament. The Settlement at the Revolution was made by a Convention of the Lords Spiritual and Temporal, and a full and free Repreſentative of the whole Body of the People. When King *William* and Queen *Mary* were once ſettled in the Throne, this Settlement was continued and confirmed by an Aſſemblage of all the Legiſlative Powers.

APPEN-

APPENDIX.

NUMB. I.

A TABLE of all the KINGS of *Scotland*, declaring what Zeir of the Warld, and of Chriſt, they began to reign, how long they reigned, and quhat Qualities they were of; verie neceſſar for the Manifeſtation of the Dates of Charters and Evidents.

I. FERGUS I. King of *Scotland*, the Son of *Ferquhard*, a Prince of *Irreland*, began to reign in the Zeire of the Warld 3641, before the cumming of our Saviour Jeſus Chriſt, 330 Zeirs. In the firſt Zeir of the 112 Olympiade, and in the 421 Zeir of the building of *Rome*, about the beginning of the third Monarchy of the *Grecians*, when *Alexander* the Great overthrew *Darius Codomannus* the laſt Monarch of *Perſia*. He was a valiant Prince, and died Ship-broken upon the Sea-coaſt of *Iceland* in the 25 Zeir of his Reign.

II. FERITHARIS, Brother to *Fergus*, began to reign in the Zeire of the Warld 3666, in the Zeire before the cumming of Chriſt 305; he was a good Juſtitiar. In his Time there was a Law made, that if all the Sonnes of the King departed were ſo young, that they could not rule, that then in that caſe, the neareſt in Blood ſuld reign, being in Age ſufficient for Government, and then after his Death, the King's Children ſuld ſucceede, quhilk Law continued unto *Kenneth* III. his Days, 1025 Zeires almoſt. He was ſlain by the Means of *Ferlegus*, *Fergus* his Brother's Sonne, in the 15 Zeire of his Reigne.

III. MAINUS King *Fergus* Sonne, ſucceeded to his Father's Brother in the Zeire of the Warld 3680, and in the Zeire before the cumming of Chriſt 291; he was a wiſe and gud King, and died peaceably in the 29 Zeire of his Reigne.

IIII. DORNADILLA ſucceeded to his Father *Mainus*, in the Zeire of the Warld 3709, in the Zeire before the cumming of Chriſt 262; a gud King, he made the firſt Laws concerning Hunting, and died peaceably in the 28 Zeire of his Reigne.

V. NOTHA-

V. NOTHATUS ſucceeded to his Brother *Dornadilla*, in the Zeire of the Warld 3738, and in the Zeire before the cumming of Chriſt 233; he was a greedie and cruel Tyrant. He was ſlain by *Dovalus*, one of his Nobles, in the 20 Zeire of his Reigne.

VI. REUTHERUS, *Dornadilla* his Sonne, began to reigne in the Zeire of the Warld 3758, in the Zeire before the cumming of Chriſt 213; he was a gud King, and died peaceably in the 26 Zeire of his Reigne.

VII. REUTHA ſucceeded to his Brother *Reutherus*, in the Zeire of the Warld 3784, in the Zeire before the cumming of Chriſt 187; a gud King, he of his own Accord left the Kingdom, and lived a private Life, when he had ruled 14 Zeires.

VIII. THEREUS, *Reutherus* Sonne, began to reign in the Zeire of the Warld 3798, in the Zeire before Chriſt 173; he was an unwiſe cruel Tyrant: He was expelled and baniſhed the Realm in the 12 Zeire of his Reigne be his Nobles; and *Gonanus*, a wiſe and grave Man, was made Governor of the Land. He died in Exile in the City of *York*.

IX. JOSINA ſucceeded his Brother *Thereus*, in the Zeire of the Warld 3810, in the Zeire before Chriſt 161. He was a quiet and gud Prince, a gud Medicinar and Herbiſter. He died in Peace in the 24 Zeire of his Reigne.

X. FINNANUS, *Joſina* his Sonne, began to reign in the Zeire of the Warld 3834, in the Zeire before Chriſt 137; a gud King, he was meikle given to the ſuperſtitious Religion of the *Druydes*. He died in Peace in the 30 Zeire of his Reigne.

XI. DURSTUS, *Finnanus* his Sonne, ſucceeded to his Father in the Zeir of the Warld 3864, in the Zeir before Chriſt 107, a cruel and traiterous Tyrant, ſlain by his Nobles in Battle, in the 9th Zeir of his Reign.

XII. EUENUS I. ſucceeded to his Brother *Durſtus*, in the Year of the Warld 3873, in the Zeir before Chriſt 98, a wiſe juſt and virtuous Prince. He died peaceably in the 19 Zeir of his Reign.

XIII. GILLUS, *Eucnus* Baſtard Sonne ſucceeded to his Father, in the Zeir of the Warld 3882, in the Zeir before Chriſt 79, a craftie Tyrant, ſlain in Battle be *Gadallus*, in the 2d Zeir of his Reign.

XIV. EUENUS II. *Donalan* Son, K. *Finnanus* Brother, began to reign in the Zeir of the Warld 3894, in the Zeir before the

the cumming of Christ 77; a gud and civil King. He died in Peace in the 17 Zeir of his Reign.

XV. EDERUS, *Dochamus* Son, *Durstus* Son, began to reign in the Zeir of the Warld 3911, in the Zeir before Christ 60; a wise, valiant and gud Prince. He died in the 48 Zeir of his Reign.

XVI. EUENUS III. succeeded his Father *Ederus*, in the Zeir of the Warld 3959, in the Zeir before the cumming of Christ 12; a luxurious and covetous wicked King. He was taken be his Nobles and imprisoned, and died in Prison the 7th Zeir of his Reign.

XVII. METELLANUS, *Ederus* Brother's Son, began to reign in the Zeir of the Warld 3966, four Zeirs before Christ's Incarnation; a very modest and gud King. He died in the 39 Zeir of his Reign.

XVIII. CARACTACUS, *Cadallanus* and *Eropeia Metellanus* Sister's Son, began to reign in the Zeir of the Warld 4005, in the Zeir of Christ 35; he was a wise and valiant King, and reigned 20 Zeirs.

XIX. CORBREDUS I. succeeded to his Brother *Caractacus*, in the Zeir of the Warld 4025, in the Zeir of Christ 55; he was a wise King and gud Justitiar. He died in Peace in the 18 Yeir of his Reign.

XX. DARDANNUS, Nephew to *Metellanus*, began to reign in the Yeir of the Warld 4042, in the Yeir of Christ 72; a cruel Tyrant, he was taken in Battle and beheaded by his own Subjects, in the 4th Yeir of his Reign.

XXI. CORBREDUS II. surnamed *Galdus*, *Corbredus* Son began to reign in the Yeir of the Warld 4046, in the Yeir of Christ 76; a valiant and worthy King, for he had many Wars with the *Romans*, and was oft victorious over them. He died in Peace the 35 Yeir of his Reign.

XXII. LUGTHACUS succeeded his Father *Corbredus* II. in the Yeir of the Warld 4080, in the Yeir of Christ 110, a lecherous bloodie Tyrant. He was slain by his Nobles the 3d Yeir of his Reign.

XXIII. MOGALLUS, *Corbredus* II. Sister's Son, he began to reign in the Yeir of the Warld 4083, in the Yeir of Christ 113; a gud King and victorious in the beginning of his Reign, but in the End of his Life became inclined to Tyranny, Lecherie and Covetousness, and was slain by his Nobles the 36 Yeir of his Reign.

XXIV. CO-

XXIV. CONARUS ſucceeded to his Father *Mogallus* in the Yeir of the Warld 4119, the Yeir of Chriſt 149; a lecherous Tyrant, was impriſoned by his Nobles, and died in Priſon the 14 Yeir of his Reign; and *Argadus* a Nobleman was made Governor.

XXV. ETHODIUS I. *Mogallus* Siſter's Son, began to reign in the Yeir of the Warld 4133, Yeir of Chriſt 163; a gud Prince, ſlain be an Harper, 33d Yeir of his Reign.

XXVI. SATRAEL ſucceeded his Brother *Ethodius*, in the Yeir of the Warld 4165, in the Yeir of Chriſt 195; a cruel Tyrant, was ſlain by his own Courtiers, 33d Yeir of his Reign.

XXVII. DONALD I. the firſt Chriſtian King of *Scotland*, ſucceeded his Brother *Satrael*, in the Yeir of the Warld 4169, the Year of Chriſt 199; a gud and a religious King, he was the firſt of the Kings of *Scotland* that cunzied Mony of Gold and Silver, died 18 Yeir of his Reign.

XXVIII. ETHODIUS II. *Ethodius* I. Son, began to reign in the Yeir of the Warld 4186, the Yeir of Chriſt 216; an unwiſe and baſe-minded King, governed be his Nobles. He was ſlain be his own Guard 16th Yeir of his Reign.

XXIX. ATHIRCO ſucceeded his Father *Ethodius* II. in the Yeir of the Warld 4021, the Yeir of Chriſt 231; a valiant Prince in the Beginning, but he degenerated, and became vicious; and being hardly perſued be his Nobles for his Life, ſlew himſelf 12th Yeir of his Reign.

XXX. NATHALOCUS, Brother Son, as ſome write, to *Athirco*, began to reign in the Yeir of the Warld 4212, the Yeir of Chriſt 242; a cruel Tyrant ſlain be his Nobles, and caſt away into a Privie in the 11th Yeir of his Reign.

XXXI. FINDOCUS, *Athirco* his Son, began to reign in the Yeir of the Warld 4223, the Yeir of Chriſt 253, a gud King and valiant, ſlaine be feinzied Hunters, at the Inſtigation of *Donald*, Lord of the Iſles, his Brother, the 11th Yeir of his Reign.

XXXII. DONALD II. ſucceeded his Brother *Findocus*, in the Yeir of the Warld 4234, the Yeir of Chriſt 264; a gud Prince, he was wounded in Battle, and being overcome, died in Diſpleaſure, the firſt Yeir of his Reign.

XXXIII. DONALD III. Lord of the Iſles, Brother to *Findocus*, began to reign in the Yeir of the Warld 4235, the Yeir of Chriſt 265; a cruel Tyrant, ſlain by *Crathilinthus* his Succeſſor, the 12th Yeir of his Reign.

XXXIIII. CRA-

XXXIV. CRATHILINTHUS, *Findocus* Son began to reign in the Zeire of the Warld 4247, the Zeir of Christ 277; a valiant and godly King. He purged the Land from the Idolatrous Superstition of *Druydes*, and planted the sincere Christian Religion. He died peaceably the 24th Zeir of his Reign.

XXXV. FINCORMACHUS, Father's Brother's Son to *Crathilinthus*, began his Reign in the Zeir of the Warld 4271, the Zeir of Christ 301, a godly King and valiant; he was a worthy Promover of the Kingdom of Christ in *Scotland*. He died in Peace the 47th Zeir of his Reign.

XXXVI. ROMACHUS, Brother's Son to *Crathilinthus*, began to reign in the Zeir of the Warld 4318, the Zeir of Christ 348; a cruel Tyrant, slain by his Nobles, and his Head stricken off the 3d Zeir of his Reign.

XXXVII. ANGUSIANUS, *Crathilinthus* Brother's Son, succeeded to *Romachus*, in the Zeir of the Warld 4321, the Zeir of Christ 351; a gud King, slain in Battel by the *Picts* the 3d Zeir of his Reign.

XXXVIII. FETHELMACHUS, another Brother's Son of *Crathilinthus*, he began to reign in the Zeir of the Warld 4324, the Zeir of Christ 354; he was a valiant King, for he overcame the *Picts* and slew their King: Was betrayed to the *Picts* by an Harper, and slain be them in his own Chalmer the 3d Zeir of his Reign.

XXXIX. EUGENIUS I. *Fincormachus*'s Son, began to reign in the Zeir of the Warld 4327, the Zeir of Christ 357; a valiant, just and gud King: Slain in Battel by the *Picts* and *Romans* 3d Zeir of his Reign; and the whole *Scottish* Nation was utterly expelled the Ile by the *Picts* and *Romans*, and remained in Exile about the Space of 44 Zeirs.

XL. FERGUS II. *Erchus* Son, Son to *Ethodius*, *Eugenius* I. his Brother, returning into *Scotland* with the Help of the *Danes* and *Gothes*, and his own Countrymen, who were gathered unto him out of all Countries where they were dispersed, conquered his Kingdom of *Scotland* again out of the *Romans* and *Picts* Hands. He began his Reign the Zeir of the World 4374, the Zeir of Christ 404; he was a wise, valiant and gud King, was slain be the *Romans* the 16th Zeir of his Reign.

XLI. EUGENIUS II. *Fergus* II. his Son, succeeded to his Father in the Zeir of the Warld 4390, the Zeir of Christ 420; a valiant and gud Prince. He subdued the *Britones*, and died the 32d Zeir of his Reign.

XLII. DONGARDUS ſucceeded to his Brother *Eugenius* II. in the Zeir of the Warld 4421, the Zeir of Chriſt 451; a godly, wiſe and valiant Prince. Died the 5th Zeir of his Reign.

XLIII. CONSTANTINE I. ſucceeded his Brother *Dongardus* in the Zeir of the Warld 4427, the Zeir of Chriſt 457; a wicked Prince, ſlain be a Nobleman in the Iſles, whoſe Daughter he had defiled, 22d Zeir of his Reign.

XLIV. CONGALLUS I. *Dongardus* Son, began to reign the Zeir of the Warld 4449, the Zeir of Chriſt 479; a gud and quiet Prince. Died in Peace 22d Zeir of his Reign.

XLV. CORANUS or CONRANUS ſucceeded his Brother *Congallus* I. the Zeir of the Warld 4471, the Zeir of Chriſt 501, a gud and wiſe Prince. Died the 34th Zeir of his Reign.

XLVI. EUGENIUS III. *Congallus* Son, ſucceeded his Father the Zeir of the Warld 4505, the Zeir of Chriſt 535; a wiſe King and a gud Juſtitiar. Died in the 23d Zeir of his Reign.

XLVII. CONGALLUS II. ſucceeded his Brother *Eugenius* III. the Zeir of the Warld 4528, the Zeir of Chriſt 558; a very gud King. Died in Peace the 11th Zeir of his Reign.

XLVIII. KINNATILLUS ſucceeded his Brother *Congallus* II. the Zeir of the Warld 4539, the Zeir of Chriſt 569; a gud Prince. Died the 1ſt Zeir of his Reign.

XLIX. AIDANUS, *Conranus* Son, began to reign the Zeir of the Warld 4540, the Zeir of Chriſt 570; a godlie and gud Prince. Died the 35th Zeir of his Reign.

L. KENNETHUS I. ſurnamed *Keir Congallus* II. Son, began to reign the Zeir of the Warld 4575, the Zeir of Chriſt 605; a peaceable Prince. Died the 1ſt Zeir of his Reign.

LI. EUGENIUS IV. *Aidanus* Son, began to reign the Zeir of the Warld 4576, the Zeir of Chriſt 606; a valiant and gud King. Died the 16th Zeir of his Reign.

LII. FERQUHARD I. ſucceeded his Father *Eugenius* IV. the Zeir of the Warld 4591, the Zeir of Chriſt 621; a bloodie Tyrant. He ſlew himſelf in Priſon the 12th Zeir of his Reign.

LIII. DONALD IV. ſucceeded his Brother *Ferquhard* I. the Zeir of the Warld 4602, the Zeir of Chriſt 632; a gud and religious King. He was drowned in the Water of *Tay*, quhill he was a Fiſhing, the 14th Zeir of his Reign.

LIV. FERQUHARD II. ſucceeded his Brother *Donald* IV. the Zeir of the Warld 4616, the Zeir of Chriſt 646; a very wicked Man, he was bitten by a Wolf in Hunting, of the quhilk inſeued a Fever, whereof he died the 18th Zeir of his Reign.

LV. MAL-

LV. MALDUINE, *Donald* IV. his Son, began to reign the Zeir of the Warld 4634, the Zeir of Chriſt 664; a gud Prince ſtrangled by his Wife, who ſuſpected him of Adulterie the 20th Zeir of his Reign.

LVI. EUGENIUS V. *Malduine* his Brother's Son, began to reign the Zeir of the Warld 4654, the Zeir of Chriſt 684; a falſe Prince, ſlain by the *Picts* in Battel, the 4th Zeir of his Reign.

LVII. EUGENIUS VI. *Ferquhard* II. his Son, began to reign in the Zeir of the Warld 4658, the Zeir of Chriſt 688; a gud Prince, died in Peace the 10th Zeir of his Reign.

LVIII. AMBIRKELETHUS, *Findanus* Son, *Eugenius* fifth Son, began to reign the Zeir of the Warld 4667, the Zeir of Chriſt 697. He was ſlain by the Shot of an Arrow, by whom it was ſhot it is not known, (a vicious Prince) the 2d Zeir of his Reign.

LIX. EUGENIUS VII. ſucceeded his Brother *Ambirkelethus*, the Zeir of the Warld 4669, the Zeir of Chriſt 699. Died in Peace the 17th Zeir of his Reign, a gud Prince.

LX. MORDACUS AMBIRKELETHUS Son began to reign the Zeir of the Warld 4685, the Zeir of Chriſt 715; a gud Prince. He died the 16th Zeir of his Reign.

LXI. ETFINUS, *Eugenius* VII. his Son, began to reign in the Zeir of the Warld 4700, the Zeir of Chriſt 730; a gud Prince. He died in Peace the 31ſt Zeir of his Reign.

LXII. EUGENIUS VIII. *Mordacus* Son, began to reign the Zeir of the Warld 4751, the Zeir of Chriſt 761; a gud Prince in the beginning of his Reign, and thereafter degenerating from his good Life, he is ſlain by his Nobles the 3d Zeir of his Reign.

LXIII. FERGUS III. *Etfinus* his Son, began to reign the Yeir of the Warld 4734, the Yeir of Chriſt 764; a lecherous Prince, poyſoned by his Wife the 3d Yeir of his Reign.

LXIV. SOLVATHIUS, *Eugenius* VIII. Sonne, began to reign the Yeir of the Warld 4737, the Yeir of Chriſt 767; a gud Prince. He died in Peace the 20th Yeir of his Reign.

LXV. ACHAIUS, *Etfinus* Son, began to reign the Yeir of the Warld 4757, the Yeir of Chriſt 787; a peaceable, gud and godlie Prince. He made a League with *Charles le Maigne* Emperour and King of *France*, quhilk remained inviolablie keeped to this Day. He died the 32d Yeir of his Reign.

LXVI. CONGALLUS or CONVALLUS, *Achaius* Father's Brother's Son, began to reign in the Yeir of the Warld 4789;

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in the Yeir of Christ 819; a gud Prince. He died in the 5th Yeir of his Reign.

LXVII. DONGALLUS, *Solvathius* Son, succeeded in the Yeir of the Warld 4794, the Yeir of Christ 824; a valiant and gud Prince, he was drowned cumming over the River of *Spey*, to war against the *Picts*, the 7th Yeir of his Reign.

LXVIII. ALPINUS, *Achaius* Son, began to reign in the Yeir of the Warld 4801, the Yeir of Christ 831; a gud Prince, he was taken in Battel, and beheaded by the *Picts* the 3d Yeir of his Reign.

LXIX. KENNETH II. surnamed the Great, succeeded his Father *Alpinus* in the Yeir of the Warld 4804, the Yeir of Christ 834; a gud and valiant Prince. He utterly overthrew the *Picts* in diverse Battles, expelled them out of the Land, and joined the Kingdom of the *Picts* to the Crown of *Scotland*. He died in Peace the 20th Yeir of his Reign.

LXX. DONALD V. succeeded his Brother *Kenneth* II. in the Zeir of the Warld 4824, the Zeir of Christ 854; a wicked Prince; he slew himself the 5th Zeir of his Reign.

LXXI. CONSTANTINE II. *Kenneth* II. his Son, began to reign in the Zeir of the Warld 4829, the Zeir of Christ 859, a valiant Prince slain by the *Danes* in a cruell Battel stricken at *Carrail* in *Fife*, the 16th Zeir of his Reign.

LXXII. ETHUS, surnamed *Alipes*, *Constantine* II. his Son, succeeded his Father, the Zeir of the Warld 4844, the Zeir of Christ 874, a vitious Prince, was imprisoned by his Nobles, where he died the 2d Zeir of his Reign.

LXXIII. GREGORIE, surnamed the Great, *Dongallus* Son, 2d, began to reign the Zeir of the Warld 4846, the Zeir of Christ 876, a valiant, victorious and renowned Prince throw the Warld in his Time, he died in Peace the 18th Zeir of his Reign.

LXXIV. DONALD VI. *Constantine* II. his Son, began to reign in the Zeire of the Warld 4863, the Zeire of Christ 893, a valiant Prince; he died in Peace, being loved of his Subjects, the 11th Zeire of his Reign.

LXXV. CONSTANTINE III. *Ethus Alipes* Son, began to reign in the Zeir of the Warld 4874, the Zeir of Christ 904, a valiant King, yet he prospered not in his Wars against *England*; and therefore being wearie of his Life, he became a Monk, and died after he reigned 40 Yeirs as King.

LXXVI. MAL-

LXXVI. MALCOLM I. *Donald* VI. his Son, began to reigne in the Yeir of the Warld 4913, the Yeir of Chriſt 943, a valiant Prince, and a gud Juſtitiar, ſlain in *Murray* by a Conſpiracy of his own Subjects, the 9th Yeir of his Reign.

LXXVII. INDULFUS, *Conſtantine* III. his Son began to reign in the Year of the Warld 4922, the Year of Chriſt 952, a valiant gud Prince, he made Battels with the *Danes*, whom he overcame; but in the End was ſlain by them in a Stratagem of War, the 9th Year of his Reign.

LXXVIII. DUFFUS, *Malcolm* I. his Son began to reign in the Yeir of the Warld 4931, the Yeir of Chriſt 961, a gud Prince and ſevere Juſticiar, was ſlain by one *Donald* at *Forres* in *Murray*, was buried ſecretly under the Bridge of a River, beſide *Kinloſs*; but the Matter was revealed, and the Murderer and his Wife, that conſented thereto, ſeverely puniſhed. He reigned five Years.

LXXIX. CULENUS, *Indulfus* Son began to reign the Yeire of the Warld 4936, in the Yeir of Chriſt 966, a vicious and effeminate Prince ſlain at *Methven* by *Rudardus* a Nobleman, whoſe Daughter he had defiled the 4th Year of his Reign.

LXXX. KENNETH III. *Duffus* Brother, began to reign the Yeir of the Warld 4940, the Yeir of Chriſt 970, a valiant and wiſe Prince; but, in the End, he became cruel, and ſlew *Malcolm* his Brother's Son, and in God's Judgment, who ſuffereth not innocent Blood to be unpuniſhed, was ſlain by a ſtrange Ingine, an Image fixed in the Wall at *Fettercairn*, by the Means of a Noblewoman there, called *Fenella*, the 24th Yeir of his Reign.

LXXXI. CONSTANTINE IV. ſurnamed *Calvus*, *Culenus* Son began to reign, the Yeir of the Warld 4964, the Yeir of Chriſt 994, an Uſurper of the Crown, ſlain in Battel at the Towne of *Crawmond* in *Louthian*, the 2d Zeir of his Reigne.

LXXXII. GRIMUS, *Duffus* Son, began to reign the Zeir of the Warld 4966, the Zeir of Chriſt 996; a vicious Prince, ſlaine in Battel by *Malcolme* II. his Succeſſor, 8th Zeir of his Reigne.

LXXXIII. MALCOLME II. *Kenneth* III. his Son, began to reigne in the Zeir of the Warld 4974, the Yeir of Chriſt 1004; a valiant and wiſe Prince, quha maid manie gud Lawes, of the quhilk a few are zit extant. He was ſlain by a Conſpiracie of the Nobles at the Caſtle of *Glammes*, who after the Slaughter, thinking to eſcape, were drowned in the Loch of

For-

Norſar; for it being Winter, and the Loch frozen, and covered with Snaw, the Yce brake, and they fell in, in the righteous Judgment of God, he reigned 30 Zeires.

LXXXIV. DUNCAN I. *Beatrix*, *Malcolme* II. his Daughter's Son, began to reign the Yeir of the Warld 5004, the Yeir of Chriſt 1034, a gud and modeſt Prince, ſlain traiterouſly be *Macbeth*, the 6th Yeire of his Reign.

LXXXV. MACBETH, *Dovada Malcolm* II. his Daughter's Son, began to reign the Yeir of the Warld 5010, the Yeir of Chriſt 1040. In the Beginning of his Reign he behaved himſelf as a gud and juſt Prince; but thereafter he degenerated into a cruel Tyrant, ſlain by his Succeſſor *Malcolm* III. in Battel, the 17th Zeir of his Reign.

LXXXVI. MALCOLM III. ſurnamed *Canmoir*, *Duncan* I. his Son, began to reign the Zeir of the Warld 5027, the Zeir of Chriſt 1057, a very religious and valiant Prince. He married *Margaret* Daughter to *Edward*, ſurnamed the *Outlaw*, Son to *Edward*, ſurnamed *Yronſide*, King of *England*, a very gud and religious Woman, according to theſe Times, who bare unto him ſex Sons, and two Daughters; the Sons were *Edward* the Prince, *Edmound*, *Etheldred*, *Edgar*, *Alexander*, *David*; the Daughters were *Mathildis*, or *Maude*, ſurnamed *Bona*; Wife to *Henry* I. ſurnamed *Beauclerc* King of *England*, of whoſe Vertues is extant that auld Epigramme.

Proſpera non lætam fecere, nec aſpera triſtem,
Proſpera terror ei, aſpera riſus erant.
Non decor effecit fragilem, non ſceptra ſuperbam.
Sola potens humilis, ſola pudica decens.

That is,

Proſperity rejoyc'd her not; to her Grief was no Pain,
Proſperity affraid her als, Affliction was her Gain.
Her Beauty was no Cauſe of Fall; in royal State not Prud.
Humble alone in Dignity; in Beauty only gud.

She founded the Kirk of *Carleill*. The other Daughter was *Marie*, Wife to *Euſtachius*, Earl of *Boloigne*. King *Malcolm* builded the Kirks of *Durham* and *Dumfermline*: He was ſlain with his Son Prince *Edward*, the 36th Yeir of his Reign, at the Seige of *Anwick*, be *Robert Moubray*, ſurnamed *Pearce-eie*, and buried at *Tinmouth*, but thereafter removed to *Dumfermline*.

LXXXVII. DONALD VII. ſurnamed *Bane*, uſurped the Crown, after the Death of his Brother, in the Yeir of the Warld

5063

5063, the Yeir of Chriſt 1093, was expelled the firſt Yeir of his Reign by *Duncan* II. King *Malcom*'s III. Baſtard Son.

LXXXVIII. DUNCAN II. uſurped the Crown the Yeir of the Warld 5064, the Yeir of Chriſt 1094, a raſh and fooliſh Prince, ſlain by *MacPendir*, Thane of the *Meirnes*, when he had reigned little over a Yeir be the Procurement of *Donald* VII.

DONALD VII. made King again the Yeir of the Warld 5065, the Yeir of Chriſt 1095, and reigned three Yeirs. He gave the Weſt and North Iſles to the King of *Norway*, to aſſiſt him to attain the Crown of *Scotland*, was taken Captive by *Edgar*, his Eyes put out, and died miſerably in Priſon.

LXXXIX. EDGAR, *Malcolm* III. his Son, began to reign the Yeir of the Warld 5068, the Yeir of Chriſt 1098: He builded the Priorie of *Coldingham*; a gud Prince; died at *Dundie* without Succeſſion; buried at *Dumfermline* the 9th Yeir of his Reign.

XC. ALEXANDER I. ſurnamed *Fearce*, ſucceeded his Brother, the Yeir of the Warld 5077, the Yeir of Chriſt 1107; a very gud and valiant Prince. He builded the Abbacies of *Scone* and *St. Colmes-Inche*; married *Sybilla* Daughter to *William* Duke of *Normandie*, &c. He died in Peace without Succeſſion at *Striviling*, the 17th Yeire of his Reign, and was buried at *Dumfermline*.

XCI. DAVID, commonly called *St. David*, King *Malcolm* III. his youngeſt Son, ſucceeded his Brother the Yeir of the Warld 5094, the Yeir of Chriſt 1124; a gud, valiant and religious Prince, according to theſe Times. He builded many Abbacies, ſik as *Haly-rude-houſe*, *Kelſo*, *Jedburgh*, *Dundranan*, *Cambuskenneth*, *Kinloſſe*, *Melroſſe*, *Newbottle*, *Dumfermline*, *Holme* in *Cumberland*, and twa religious Places at *Newcaſtle* in *Northumberland*: Erected four Biſhopricks, *Roſs*, *Brechin*, *Dunblane* and *Dunkeld*. Married *Maud*, Daughter to *Woldeofus* Earl of *Northumberland* and *Huntingtoun*, and *Judith*, Daughter's Daughter to *William* the Conqueror King of *England*, be whom he had one Son named *Henry*, a worthy and gud Youth, who married *Adama*, Daughter to *William* Earl of *Warren*, who bare to him three Sons, *Malcolm* the *Maiden*, *William* the *Lion*, and *David* Earl of *Huntingtoun*, (concerning whoſe Poſteritie look the Table) and twa Daughters, *Adama* wife to *Elorentius* Earl of *Holland*, and *Margaret* Wife to *Conanus* Duke of *Britain*. *St. David* died in Peace at *Carleill* the 29th Yeire of his Reign, and was buried at *Dumferline*.

XCII. MAL-

XCII. MALCOLM IV. ſurnamed the *Maiden* (becauſe he would never marry) ſucceeded his Gudſchir *David* I. the Yeir of the Warld 5123, the Yeir of Chriſt 1153; a gud and meik Prince, builded the Abbey of *Coupar* in *Angus*, died at *Jedburgh*, buried at *Dumfermline* the 12th Yeir of his Reign.

XCIII. WILLIAM, ſurnamed the *Lion*, ſucceeded his Brother *Malcolm* IV. the Yeir of the Warld 5135, the Yeir of Chriſt 1165; a gud and valiant King, married *Emergarda*, Daughter to the Earl of *Beaumount*. He builded the Abbacie of *Aberbrothok*, and ſhe builded the Abbacie of *Balmerinoch*; died at *Strivilyn* the 49th Year of his Reign, buried at *Aberbrothok*.

XCIV. ALEXANDER II. ſucceeded his Father *William*, the Yeir of the Warld 5184, the Yeir of Chriſt 1214; a gud Prince, married *Jean* Daughter to *John* King of *England*, be whom he had no Succeſſion. After her Death married *Marie* Daughter to *Ingelrame* Earl of *Coucey* in *France*, be whom he had *Alexander* III. died at *Kernerie* in the Weſt Iſles, buried at *Melroſs* the 35th Yeir of his Reign.

XCV. ALEXANDER III. ſucceeded his Father the Yeir of the Warld 5219, the Yeir of Chriſt 1249; a gud Prince, married firſt *Margaret* Daughter to *Henry* III. King of *England*, be whom he had *Alexander* the Prince, quha married the Earl of *Flanders* Daughter, *David*, and *Margaret*, who married *Hangonanus*, or as ſome call him *Ericus*, Son to *Magnus* IV. King of *Norway*, who bare him a Daughter, commonly called the Maiden of *Norway*, in whom King *William* his whole Poſteritie failed, and the Crown of *Scotland* returned to the Poſterity of *David* Earl of *Huntingtoun*, King *Malcolm* IV. and King *William* his Brother. After his Son's Death, (for they died before himſelf without Succeſſion) in hope of Poſteritie he married *Joleta*, Daughter to the Earl of *Dreux* in *France*, be whom he had no Succeſſion; builded the Croce Kirk of *Peebles*, died of a Fall off his Horſe, on the Sands betwixt *Eaſter* and Weſter *Kinghorn*, the 37th Yeir of his Reign; buried at *Dumfermline*.

After the Death of *Alexander* III. the Yeir of the Warld 5255, the Yeir of Chriſt 1285, there were ſex Regents appointed to rule *Scotland*; for the South-ſide of *Forth*, *Robert* Archbiſhop of *Glaſgow*, *John Cummin*, and *John* the great Steward of *Scotland*. For the North-ſide of *Forth*, *MacDuff* Earl of *Fife*, *John Cummin* Earl of *Buchan*, and *William Fraſer* Archbiſhop of *St. Andrews*, who ruled the Land about the Space of ſeven Yeirs, quhilk the Controverſy was decided betwixt *John Ballioł* and *Robert*

Robert Bruyſe, Gudſchire to *Robert Bruyſe* King of *Scotland*, cummed of the twa eldeſt Daughters of *David* Earl of *Huntingdoun*; for *Henry Haſtings*, who married the youngeſt Daughter, put not in his Sute with the reſt, and therefore there is little ſpoken of him.

XCVI. JOHN BALIOL (of whom look the Table) was preferred to *Robert Bruyſe* to be King of *Scotland* by *Edward* I. ſurnamed *Langſhanks* King of *England*, who was choſen to be Judge of the Controverſy, upon a Condition, that he ſuld acknowledge him as Superior; quhilk Condition, like an unworthy Man, he received. He began his Reign the Yeir of the Warld 5263, the Yeir of Chriſt 1293. He was a vain glorious Man, little reſpecting the Weill of his Cuntrie. He had not reigned fully four Yeirs, when he was expelled be the ſaid *Edward*; and leaving *Scotland*, departed into the Parts of *France*, where he died long thereafter in Exile; and ſo *Scotland* was without a King and Government nine Yeirs; during quhilk Space, the ſaid *Edward* oppreſſed the Land, deſtroyed the whole auncient Monuments of the Kingdom, and ſhed meikle innocent Blood.

XCVII. ROBERT BRUYSE (concerning whom look the Table) began to reign the Yeir of the Warld 5276, the Yeir of Chriſt 1306; a valiant, gud and wiſe King. In the Beginning of his Reign was ſubject to great Miſery and Affliction, being oppreſſed be *England*; but at length having overcome and vanquiſhed *Edward* II. of *Carnarvan*, at the Feeld of *Bannockburn*, delivered *Scotland* from the Slavery of *England*, and ſet it at full Liberty, all *Engliſhmen* be Force being expelled out of the Land. He married firſt *Iſabel* Daughter to the Earl of *Mare*, who bare to him *Marjory*, *Walter* the great Steward of *Scotland*, his Wife, (concerning whom, and the Race of the *Stewards* this Day ruling in *Scotland*, look the Table) after her Death, married *Iſabel* Daughter to *Haymerius de Burc*, Earl of *Hultonia* or *Hulſter* in *Ireland*, who bare to him *David* II. *Margaret* Countes of *Sutherland*, and *Maud* that died young. He died at *Cardroſs*, and was buried at *Dumfermling* the 24th Yeir of his Reign.

XCVIII. DAVID II. BRUYSE, ſucceeded his Father the Yeir of the Warld 5300, the Yeir of Chriſt 1330; a gud Prince, ſubject to meikle Affliction in his Youth, being firſt, after the Death of *Thomas Randph* his Regent, forced to flee into *France* for his own ſavegard; and then returning hame, was tane at the Battle of *Durham*, and was halden 12 Yeirs almoſt Captive in *England*, but thereafter reſtored to Liberty. He marrieſt firſt *Jean*, Daughter to *Edward* II. King of *England*, and after her

Death he married *Margaret Logie*, Daughter to Sir *John Logie* Knight, and died without Succeſſion at *Edinburgh*, the 40th Yeir of his Reign, and was buried at *Haly-rud-houſe*.

XCIX. EDWARD BALLIOL, Son to *John Balliol*, uſurped the Crown of *Scotland*, being aſſiſted by *Edward* III. King of *England*, the Yeir of the Warld 5302, the Yeir of Chriſt 1332, but was expelled by *David* II. at length his Regents, and *David* eſtabliſhed King.

C. ROBERT II. ſurnamed *Blear-eie*, firſt of the *Stewards*, Son to *Walter Steward* and *Marjory Bruyſe* King *Robert Bruyſe* his Daughter, ſucceeded to his Mother's Brother the Yeir of the Warld 5341, the Yeir of Chriſt 1371; a gud and peaceable Prince. He married firſt *Euſeme*, Daughter to *Hugh* Earl of *Roſs*, who bare to him *David* Earl of *Strathern*, *Walter* Earl of *Athole*, and *Alexander* Earl of *Buchan*, Lord *Badzenoch*. After her Death, for the Affection he bare to his Children, begotten before his firſt Marriage, he married *Elizabeth Mure*, Daughter to Sir *Adam Mure* Knight, who had born unto him *John*, thereafter called *Robert* III. Earl of *Carrict*; *Robert* Earl of *Fife* and *Monteith*, and *Euſeme* Wife to *James* Earl of *Douglas*. He died at *Dundonald* the 19th Yeir of his Reign, and was buried at *Scone*.

CI. ROBERT III. ſurnamed *John Farne-zeire*, ſucceeded to his Father in the Yeir of the Warld 5360, the Yeir of Chriſt 1390; a quiet and peaceable Prince. He married *Annabel Drummond*, Daughter to the Laird of *Stobhall*, who bare to him *David* the Prince, Duke of *Rotheſay*, that died in Priſon of very extreme famine at *Falkland*, and *James* I. taken Captive in his Voyage to *France*, and detained a Captive againſt all equitie, almoſt the Space of eighteen Yeirs in *England*. He died of Diſpleaſure at *Rotheſay*, when he heard of the Death of the one Son, and Captivity of the other, and was buried at *Paiſley* the 16th Yeir of his Reign. *Robert* Earl of *Fife* and *Monteith* governed *Scotland* the Yeir of the Warld 5376, the Yeir of Chriſt 1406. He died in the 14th Yeir of his Government, *James* I. being a Captive in *England*.

MURDO STEWARD, ſucceeded to his Father *Robert* Earl of *Fife*, in the Government of *Scotland*, the Yeir of the Warld 5390, the Yeir of Chriſt 1420, and ruled four Yeirs, *James* I. zit being a Captive in *England*; both the Father and his Son *Walter* were executed thereafter for the Oppreſſion of the Subjects by *James* I.

CII. JAMES I. began to reign, the Yeir of the Warld 5394, the Yeir of Chriſt 1424. He was a gud, learned, virtuous and juſt

juſt Prince: Married *Jean*, Daughter to *John* Duke of *Summerſet* and Marques *Dorcet*, Son to *John* of *Ghendt* III. Son to *Edward* III. the victorious King of *England*, who bare to him *James* II. and ſex Daughters, *Margaret* Wife to *Lewis* XI. the Dauphine, thereafter King of *France*, *Elizabeth* the Dutcheſs of *Britaine*, *Jean* Counteſs of *Huntley*, *Eleonor* Dutcheſs of *Auſtria*, *Mary* Wife to the Lord of *Camp-vere*, and *Anabella*. He was ſlain at *Perth* traiterouſly by *Walter* Earl of *Athole*, and *Robert Graham*, and their Confederates, the 31ſt Yeir of his Reign, gif we count from the Death of his Father, and in the 13th Yeir, gif we count from his Deliverance out of *England*, and was buried at the Charter-houſe of *Perth* quhilk he builded.

CIII. JAMES II. ſucceeded his Father, the Yeir of the Warld 5407, the Yeir of Chriſt 1437, a Prince ſubject to great Troubles in his Youth. He married *Marie* Daughter to *Arnold* Duke of *Geldre*, Siſter's Daughter to *Charles*, ſurnamed *Audax*, the laſt Duke of *Burgundy*, *&c.* who bare him three Sons, *James* III. *John* Earl of *Mar*, *Alexander* Duke of *Albanie*, and *Marie* Wife firſt to *Thomas Boyd* Earl of *Arrane*, and after his decourting, to *James Hamilton* of *Cadzou*. He was ſlain at the Siege of *Roxburgh*, the 24th Yeir of his Reign.

CIV. JAMES III. ſucceeded his Father the Yeir of the Warld 5430, the Yeir of Chriſt 1460, a Prince corrupted by wicked Courtiers. He married *Margaret* Daughter to *Chriſtianus* I. ſurnamed *Dives* King of *Denmark*, *Norway* and *Sweden*. He was ſlain at the Field of *Bannockburn* the 2d Yeir of his Reign, and was buried at *Cambuſ-kenneth*.

CV. JAMES IV. ſucceeded his Father in the Yeir of the Warld 5459, the Yeir of Chriſt 1489; a noble and couragious Prince. He married *Margaret*, eldeſt Daughter to *Henry* VII. Earl of *Richmond* King of *England*, and *Elizabeth* Daughter to *Edward* IV. In whoſe twa Perſons the twa Houſes of *Lancaſter* and *York* were united, and the bludie civil Weires of *England* pacified. He was ſlain at *Flowdon* be *England*, the 25th Yeir of his Reign.

CVI. JAMES V. ſucceeded his Father the Yeir of the Warld 5484, the Yeir of Chriſt 1514; a gud Prince, and ſevere. He married firſt *Magdalen* Daughter to *Frances* I. King of *France*, who died ſhortly thereafter without Succeſſion. After her he married *Marie* of *Lorayne*, Duches of *Longe-ville*, Daughter to *Claude* Duke of *Guiſe*. He died at *Falkland*, the 29th Yeir of his Reign, and was buried at *Haly-rude-houſe*.

CVII. MARIE ſucceeded to her Father *James* V. in the

Yeir

Yeir of the Warld 5513, the Yeir of Chriſt 1543; a Princeſs vertuouſlie inclined. She married firſt *Frances* 2d Dauphin, thereafter King of *France*; then after his Death, returning hame to *Scotland*, ſhe married *Henry Steward* Duke of *Albany*, &c. Lord *Darley*, Son to *Matthew* Earl of *Lennox*, (a comely Prince, Pronepnoy to *Henry* VII. King of *England*) to whom ſhe bare *James* VI. She was put to Death in *England*, *February* 8th 1586, after 18 Yeirs Captivity.

CVIII. JAMES VI. a gud, godlie and learned Prince, ſucceeded his Mother, the Yeir of the Warld 5537, the Yeir of Chriſt 1567. He married *Anna* Daughter to *Frederick* King of *Denmark*, and *Sophia Ulricus* the Duke of *Meckleburgh* his Daughter, quha has born to him already *Henry Frederick* the Prince, *February* 19th 1593, and *Elizabeth*, *Auguſt* 19, 1593. and *Charles* Duke of *Albany*, *November* 19, 1600. And upon the Death of Queen *Elizabeth*, ſucceeded to the Crown of *England*, and was crowned at *Weſtminſter*, *July* 25th 1604. He had alſo by his Wife Queen *Anna*, two other Daughters born in *England*, Lady *Mary*, and Lady *Sophia*, who both died young. Prince *Henry* died *November* 6th 1612. Lady *Elizabeth* was married to *Frederick* V. of that Name, Count *Palatine* of the *Rhine*, aftewards elected King of *Bohemia*, by whom ſhe had many Children. King *James* died at his Palace at *Theobalds* in *England*, *March* 27th 1625, when he had reigned 22 Yeirs, over *Great Britain* and *Ireland*.

CIX. King CHARLES I. an incomparable Prince for Piety, Learning and Virtue, ſucceeded his Father the Yeir of the Warld 5595, the Yeir of Chriſt 1625. He married *Mary* the Daughter of *Henry* IV. King of *France*, and *Mary* the Daughter of *Frances* great Duke of *Tuſcany*, of the noble Family *de Medicis* 1625. He had Iſſue by her *Charles* Prince of *Wales*, (our preſent Soveraign) born *May* 29th 1630. His Royal Highneſs *James* Duke of *Albany* and *York*, born *October* 14th 1633, and *Henry* Duke of *Glouceſter*, born *July* 20th 1640; and had four Daughters, Princeſs *Mary* born *November* 4th 1631, and was married *May* 2d 1641 to *William Naſſau* Prince of *Orange*, who now liveth. She died *December* 24th 1660. His ſecond Daughter the Lady *Eliſabeth* was born *December* 28th 1635; his third Daughter Lady *Anne*, born *March* 17th 1636, who both died young. His fourth Daughter Lady *Henrietta Maria*, born *June* 16th 1644, and married to the Duke of *Anjou*, Brother to *Lewis* XIV. preſent King of *France*, ſhe died 1670. The Duke of *Glouceſter* died *September* 15th 1660.

Charles

Charles I. was by a ſtrange and unparallelled Villany judged by a publick Mock-Trial of a pretended Court of High Juſtice at *Weſtminſter*, and by ſome of his moſt rebellious and perfidious Subjects, was execute and ſuffered Martyrdom before his own Palace at *Whitehall*, *January* 3d 1649.

CX. King CHARLES II. a great, wiſe, moſt merciful and magnificent Prince, ſucceeded his Father the Yeir of the World 5619, the Year of Chriſt 1649. He was crowned King of *Scotland* at *Scoon*, *January* 1ſt 1651, and after nine Years Exile by a rebellious prevalent Party in *England*, was in the Year 1660 miraculouſly and wonderfully reſtored peaceably to the Royal Throne of his Anceſtors, and to the Crown of *Great Britain* and *Ireland*, and was crowned at *Weſtminſter*, *April* 23d 1661. He married *Katharina Infanta* of *Portugal*, Daughter to *John* King of *Portugal*, and *Donna Lucia*, Daughter to the Duke of *Medina Sidonia*. He is now preſently King of *Great Britain* and *Ireland*, whom God Almighty bleſs and long preſerve, and may the lineal Succeſſion of that Royal Family (under whoſe happy Government this Kingdom hath flouriſhed theſe 2012 Years in an uninterrupted Line) continue by a juſt and lineal Deſcent, while the Sun and Moon endure.

NUMB. II.

The PRIVILEGE.

CHARLES by the Grace of God, of *Scotland*, *England*, *France* and *Ireland*, King, Defender of the Faith, *&c.* Forasmuchas we, by our other Royal Letters of Gift, of the Date at *Whitehall*, the 9th Day of *May* 1679 Years, did upon the Acts of Parliament and Council, and other Grounds therein mentioned, give and grant full Power and Licence to Sir *Thomas Murray* of *Glendook*, Knight and Baronet, Clerk of our Council, Regiſter and Rolls, his Heirs, Executors and Aſſignies, to cauſe the whole Acts, Laws, Conſtitutions and Ordinances of Parliament of the Kingdom now of *Scotland*, both old and new now being in Force: And likeways the whole Laws, Acts and Conſtitutions of the two Parliaments, and the Acts of the three Conventions of Eſtates, holden by us ſince our happy Reſtoration, to be re-imprinted by whatſoever Printer within the ſaid Kingdom of *Scotland*, or elſewhere it ſhall pleaſe him or them to nominate for that Effect, with the Treatiſe, entituled, *De verborum ſignificatione*. And the Chronology of the whole Kings of *Scotland*, until our preſent Reign, and to compleat the Index of the whole Acts of Parliament, and to cauſe print the ſame, together

with

with the Act of Parliament concerning the Constitution and Election of the Lords of Articles, dated 18th *June* 1663, which Act is to be first insert in that Session of Parliament, and added to the Index of the printed Acts: Together also with our Letter to the Parliament anent Billeting, dated 4th *June* 1663, with a Letter from the Parliament to us concerning the Billeting, 28th *July* 1663, with full Power to the said Sir *Thomas Murray*, and his Foresaids, after the re-printing, to sell and distribute, and cause the same to be sold and distributed throughout the whole Kingdom of *Scotland*, to the Effect this may better come to the Knowledge of all the Leiges, *&c.* Given at our Court at *Whitehall* the first Day of *May* 1680, and of our Reign the 12th Year. Sealed according to Warrant under his Majesty's Privy Seal, at *Edinburgh* the 31st Day of *March* 1681.

NUMB. III.

The CLAIM that the Earl of *Douglas* made to the Crown, *anno* 1371, at *Linlithgow*. *Ex extractis de Chron. Scotiæ.*

ROBERTUS STEWART Seneschallus Scotie suo Avunculo David regi successurus, vocatis tribus regni statuibus apud Linlithgow, convenerunt. Coram quibus Willelmus Douglas comes manu valida militari comparuit, allegans jus corone et successionis in regnum ad se ex parte Cuminensium et Balliliorum pertinere: Cui in faciem restiterunt Georgius Dunbar comes Merchie, Joannes frater ejus comes Moravie, Robertus Erskine custos castrorum Dunbartane, Edinburgh et Striveling, que controversia trium statuum prudentia taliter est sopita, viz. quod dictus Willelmus regi suppliciter obediret, et filius ejus primogenitus filiam dicti Roberti haberet in uxorem: et sic in sequenti festo annunciationis, coronatus apud Sconam debito cum honore Robertus predictus in regem, anno Dom. 1371.

NUMB. IV.

The famous Act of Parliament recognizing *John*, afterwards called *Robert* III. in *Latin*.

IN nomine sanctæ et individuæ Trinitatis, Patris, Filii et Spiritus Sancti, Amen. Anno ab incarnatione Domini 1371. *Secundum morem et computationem Ecclesiæ Scoticanæ, mensis martii, die vicesimo septimo, serenissimus princeps Dominus Robertus, Dei gratia, rex Scotorum illustris, apud Sconam, tempore suæ coronationis, existens, assistentibus sibi prælatis, comitibus, baronibus*

bui ac ceteris de Clero et populo regni sui, post sacra unctionis et coronationis suæ peracta solemnia, factaque declaratione juris, quo idem serenissimus princeps successit, ac succedere debuit, Domino David regi Scotiæ, Avunculo et predecessori suo, tam proximitate sanguinis, quam ex quadam declaratione, per quædam instrumenta confecta, tempore inclitæ memoriæ Domini Roberti regis Scotiæ, avi et predecessoris ipsius Domini nostri regis, ibidem exhibita atque lecta: nec non, receptis hominagii et fidelitatis solitis juramentis ab ipsis prælatis, comitibus, baronibus, et aliis de clero et populo ibidem existentibus, in coronatione regum Scotiæ, ab olim præstari consuetis et debitis: volens, more et exemplo celebris memoriæ ejusdem boni regis Roberti, avi sui, coram clero et populo, successorem et verum hæredem suum declarare ibidem, licet de ipso clare constitit atque constet, ex habundanti et unanimi consensu, et assensu dictorum prælatorum, comitum, procerum et magnatum, indicavit, asseruit, et recognovit, declaravit et voluit, quod cum ipsum contigerit, pro dispositione divina, ab hac luce migrare, Dominus Johannes, filius suus primogenitus, comes de Carrick et Seneschallus Scotiæ, erit et esse debet, verus et legitimus hæres suus, ac sibi post mortem suam, in regno Scotiæ, Domino disponente, succedet et succedere debet, et post eum sedebit et sedere debebit, super solium regni sui. Quâ declaratione sic facta per ipsum Dominum nostrum regem, de præfato primogenito et hærede suo, ex habundanti, ut supra, unusquisque prælatorum, comitum, procerum, magnatum, et aliorum ibidem existentium, voce propria, singulatim, pro se, hæredibus et successoribus suis asseruit, affirmavit, declaravit, recognovit, et voluit, quod idem Dominus Joannes, post mortem præfati patris sui superstes et vivus, sit, divina favente gratia, futurus rex Scotiæ, tanquam hæres legitimus ejusdem patris sui: promittens, quilibet, bona fide, et manu, in signum fidei dationis, levata, quod eum pro rege et hærede legitimo ejusdem patris sui habiturus erit, ipsumque juvabit atque defendet contra quoscunque mortales: nec non Sigillum suum scripto seu instrumento super hoc fiendo, apponent, in signum suorum consensus et promissionis prædictorum, cum ipsi super hoc fuerint requisiti. Quibus recognitione, promissa et fidei datione, in concilio Domini nostri regis, sic præmissis et actis, idem Dominus noster rex, per venerabilem virum magistrum Joannem de Peebles, doctorem decretorum, canonicum Glasquen. clericum suum, proponi fecit in publicum, qualiter ex habundanti indicavit et declaravit, præfatum Dominum Johannem filium suum primogenitum, verum suum hæredem, nunc esse, et esse debere de jure, et post mortem suam, regni Scotiæ, volente Deo, regem futurum, et qualiter præfati comites, proceres, et alii de con-

concilio affirmaverunt, recognoverunt, conſenſerunt, et fide media, ut præmittitur, promiſerunt: et quod populum cum clero convocari fecerat, ut in eorum præſentia, et de eorum conſenſu unanimi, fierit et publicaretur, ne aliquis ſuper hoc ignorantiam prætendere poſſet, aliqualiter in futurum. Tota autem multitudo prælatorum, comitum et baronum, et aliorum, tam cleri quam populi, unanimi voluntate, et clamore conſono, nullo penitus reclamante affirmaverunt, recognoverunt, et voluerunt, ipſum Dominum Johannem, tanquam primogenitum et hæredem Domini noſtri regis, patris ſui, ſuum fore regem futurum, ac manu levata, inſignum fidei dationis, promiſerunt; quod eum pro rege ſuo futuro, volente Deo, habituri erant poſt mortem patris ſui, ipſumque juvabunt atque defendent, de toto poſſe, contra quoſcunque mortales. Quibus ſic actis, præfati comites et barones ibidem exiſtentes, ſigilla ſua huic ſcripto apposuerunt, ad perpetuam et futuram memoriam, in teſtimonium omnium præmiſſorum, una cum ſigno et ſubſcriptione, publici Tabellionis ſuprascripti. Acta fuerunt hæc, apud Abbatiam de Scona, menſe, die et anno ſupra dictis.

Ego Johannes Rollo, clericus Moravien: dioceſis, publicus apoſtolica auctoritate, notarius, prædictis indictioni, declarationi, affirmationi, nec non proviſioni, manuum levationi, ac prædicti magiſtri Johannis de Peebles publicæ publicationi, una cum venerabilibus in Chriſto patribus, Dominis Willielmo, Waltero et Patricio ſancti Andreæ, Glaſquen. et Brichen, eccleſiarum Epiſcopis, ac diſertis viris Dominis, Johanne de Carrick, canonico Glaſquen, Waltero de Biggar rectori eccleſiæ de Erroll, Cancellario et Camerario Scotiæ: nobilibus viris et potentibus Dominis, Thoma de Mar, Willielmo de Douglas et Roberto Seneſcal comitibus: Thoma de Haya, Willelmo de Keith conſtabulario et Mareſcallo Scotiæ, Archibaldo de Douglas, Jacobo de Douglas, Roberto de Erskin, Alexandro de Lindſay, Thoma de Erſkin, et Duncano Wallace baronibus ac militibus, magiſtro Johanne de Peebles ſupradicto, et multis aliis teſtibus ad præmiſſa vocatis pariter et rogatis, primo in ſecreta camera prædicti Domini regis, in ſuo ſecreto concilio et poſt in camera ſui parliamenti, in publico et prædicitur, coram populi multitudine hoc apprime factum. Anno, die, menſe et locis ſupradictis, indictione, anno pontificatus ſanctiſſimi in Chriſto patris Gregorii undecimi, divina providentia Papæ, quia præſens interfui, eaque omnia et ſingula ſuperius expreſſa, dum ſic agerentur, ſcivi, vidi et audivi, præſens inſtrumentum, de manu alterius ſcriptum, ſigno meo conſueto, ad inſtantiam prædicti Domini Johannis, Domini regis primogeniti, comitis de Carrick, Scotiæ Seneſcalli, ſignavi, meq propria manu ſubſcribens, vocatus pariter et rogatus in teſtimonium omnium præmiſſorum.

FINIS.

MUSEUM